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6
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FRANK FERRARA and CHARLIE FERRARA

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 CORY SPENCER, an individual; DIANA
MILENA REED, an individual; and
12 COASTAL PROTECTION RANGERS,
INC., a California non-profit public
13 benefit corporation,

14 Plaintiff,

15 vs.

16 LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
17 LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
18 BLAKEMAN, ALAN JOHNSTON AKA
JALIAN JOHNSTON, MICHAEL RAE
19 PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
20 FERRARA; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
21 KEPLEY, in his representative capacity;
and DOES 1-10,

22 Defendants.
23

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero
Dept: Courtroom 10C

Magistrate Judge:
Hon. Rozella A. Oliver

**DECLARATION OF TIFFANY
BACON IN SUPPORT OF
CHARLIE FERRARA'S MOTION
FOR SUMMARY JUDGMENT OR,
IN THE ALTERNATIVE,
PARTIAL SUMMARY
JUDGMENT**

*[Filed concurrently with Notice of
Motion; Memorandum of Points and
Authorities; Request for Judicial
Notice of Adjudicative Facts; Notices
of Lodging; proposed Statement of
Uncontroverted Facts and Conclusions
of Law and [Proposed] Judgment
lodged herewith]*

Date: August 21, 2017
Time: 10:00 a.m.
Dept: Courtroom 10C

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

1 I, Tiffany Bacon, declare as follows:

2 1. I am an attorney at law duly licensed to practice before the United States
3 District Court for the Central District of California and am an associate with the law
4 firm of Bremer Whyte Brown & O'Meara LLP, counsel of record for Defendant
5 CHARLIE FERRARA (hereinafter "Charlie Ferrara" or "Defendant") in this action.
6 Except for those facts stated upon information and belief, I have personal knowledge
7 of the facts set forth in this declaration and, if called as a witness, could and would
8 competently testify to such facts under oath.

9 2. This declaration is made in support of Charlie Ferrara's Motion for
10 Summary Judgment against Plaintiffs, CORY SPENCER ("Spencer"), DIANA
11 MILENA REED ("Reed") and COASTAL PROTECTION RANGERS, INC.
12 ("CPR") (collectively, "Plaintiffs") or, in the alternative partial summary judgment.

13 3. On July 12, 2017, pursuant to Local Rule 7-3, I had a telephonic
14 conference with Plaintiffs' counsel, Samantha Wolff, Esq.

15 4. A true and correct copy of excerpts from the deposition of Charlie
16 Ferrara is attached hereto as **Exhibit K** and incorporated herein by this reference.

17 5. A true and correct copy of excerpts from the deposition of Plaintiff
18 Spencer is attached hereto as **Exhibit L** and incorporated herein by this reference.

19 6. A true and correct copy of excerpts from the deposition of Plaintiff Reed
20 is attached hereto as **Exhibit M** and incorporated herein by this reference.

21 7. A true and correct copy of the Declaration of Leo Ferrara is attached
22 hereto as **Exhibit N** and incorporated herein by this reference.

23 8. A true and correct copy of excerpts from the deposition of N.F. is
24 attached hereto as **Exhibit O** and incorporated herein by this reference.

25 9. A true and correct copy of the recording bates labeled PLTF 002027 is
26 attached hereto as **Exhibit P** and incorporated herein by this reference.

27 10. A true and correct copy of excerpts from the deposition of Angelo
28 Ferrara is attached hereto as **Exhibit Q** and incorporated herein by this reference.

1 11. A true and correct copy of excerpts from the deposition of Frank Ferrara
2 is attached hereto as **Exhibit R** and incorporated herein by this reference.

3 12. A true and correct copy of Exhibit 267, which was attached to the
4 deposition of Charlie Ferrara, is attached hereto as **Exhibit S** and incorporated herein
5 by this reference.

6 13. A true and correct of Exhibit 274, which was attached to the deposition
7 of Charlie Ferrara, is attached hereto as **Exhibit T** and incorporated herein by this
8 reference.

9 14. A true and correct copy of excerpts from the deposition of Ken Claypool
10 is attached hereto as **Exhibit U** and incorporated herein by this reference.

11 15. A true and correct copy of the Declaration of Jim Russi is attached
12 hereto as **Exhibit V** and incorporated herein by this reference.

13 16. True and correct copies of Plaintiff Spencer's and Plaintiff Reed's
14 responses to Charlie Ferrara's discovery requests, as produced by Plaintiffs, are
15 attached hereto as **Exhibit W** and incorporated herein by this reference.

16 17. A true and correct copy of excerpts from the deposition of Sang Lee is
17 attached hereto as **Exhibit X** and incorporated herein by this reference.

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 Executed on this 24th day of July 2017, at Newport Beach, California.

21
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28



Tiffany Bacon

Exhibit K

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4 - - -
5 CORY SPENCER, AN INDIVIDUAL;)
6 DIANA MILENA REED, AN)
7 INDIVIDUAL; AND COASTAL)
8 PROTECTION RANGERS, INC.,)
9 A CALIFORNIA NON-PROFIT PUBLIC)
10 BENEFIT CORPORATION,)
11 Plaintiffs,)
12 vs.) No.: 2:16-cv-02129-SJO
13 (RAOx)
14 LUNADA BAY BOYS; THE INDIVIDUAL)
15 MEMBERS OF THE LUNADA BAY BOYS,)
16 INCLUDING BUT NOT LIMITED TO)
17 SANG LEE, BRANT BLAKEMAN, ALAN)
18 JOHNSTON AKA JALIAN JOHNSTON,)
19 MICHAEL RAE PAPAYANS, ANGELO)
20 FERRARA, FRANK FERRARA,)
21 CHARLIE FERRARA, ET AL.,)
22 Defendants.)
23 - - - - -)
24 VIDEOTAPED DEPOSITION OF
25 CHARLES FERRARA
IRVINE, CALIFORNIA
JULY 7, 2017
Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376
REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979
FILE NO: AB06A33

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UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

- - - - -)

Videotaped deposition of CHARLES FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:36 a.m., Friday, July 7, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

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11 ALSO PRESENT: GARY BOWDEN, VIDEOGRAPHER
12
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INDEX

WITNESS: CHARLES FERRARA

| EXAMINATION BY: | PAGE |
|-----------------|------|
| MS. WOLFF | 10 |

| EXAMINATION BY: | PAGE |
|-----------------|------|
| MR. GLOS | 190 |

EXHIBITS

| NUMBER | DESCRIPTION | PAGE |
|--------|--|------|
| 266 | Plaintiffs' Notice of Deposition of Defendant Charlie Ferrara Dated June 15, 2017 Consisting of six pages | 13 |
| 267 | Transcription of recording 12823269.1 Consisting of seven pages | 140 |
| 268 | Xeroxed Colored Photograph Consisting of one page | 146 |
| 269 | Xeroxed Colored Photograph Consisting of one page | 148 |

| | | | |
|----|-----|----------------------------|-----|
| 1 | | EXHIBITS CONTINUED: | |
| 2 | | | |
| 3 | 270 | Xeroxed Colored Photograph | 151 |
| 4 | | Consisting of one page | |
| 5 | | | |
| 6 | 271 | Xeroxed Colored Photograph | 153 |
| 7 | | Consisting of one page | |
| 8 | | | |
| 9 | 272 | Xeroxed Colored Photograph | 155 |
| 10 | | Consisting of one page | |
| 11 | | | |
| 12 | 273 | Xeroxed Colored Photograph | 156 |
| 13 | | Consisting of one page | |
| 14 | | | |
| 15 | 274 | Xeroxed Colored Photograph | 178 |
| 16 | | Consisting of one page | |
| 17 | | | |
| 18 | 275 | Xeroxed Colored Photograph | 182 |
| 19 | | Consisting of one page | |
| 20 | | | |
| 21 | 276 | Xeroxed Colored Photograph | 186 |
| 22 | | Fort Structure in 2016 | |
| 23 | | Consisting of one page | |
| 24 | 277 | Xeroxed Black-And-White | 189 |
| 25 | | Photograph | |
| | | Consisting of one page | |

1 INDEX CONTINUED:

2

3 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

4 PAGE LINE

5

6 16 9

7 77 19

8 175 18

9 176 11

10

11

12 INFORMATION TO BE SUPPLIED:

13 PAGE LINE

14 (NONE)

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1 IRVINE, CALIFORNIA, FRIDAY, JULY 7, 2017

2 9:36 A.M.

3 -000-

4 09:35:44

5 THE VIDEOGRAPHER: Good morning. I'm 09:35:45

6 Gary Bowden, your videographer. And I represent 09:35:47

7 Atkinson-Baker, Incorporated, in Glendale, 09:35:50

8 California. 09:35:50

9 I'm not financially interested in this action 09:35:53

10 nor am I a relative or employee of any attorney or 09:35:56

11 any of the parties. 09:36:00

12 The date is July 7, 2017. And the time is 09:36:02

13 9:36 a.m. This deposition is taking place at 09:36:07

14 Premiere Business Center, 2600 Michelson Drive, 09:36:12

15 Suite 1700, Irvine, California. 09:36:15

16 This is case number 2:16-cv-02129-SJO (RAOx) 09:36:19

17 entitled Spencer versus Lunada Bay Boys. The 09:36:33

18 deponent is Charles Ferrara. And this deposition is 09:36:38

19 being taken on behalf of the Plaintiffs. 09:36:44

20 Counsel will now please introduce themselves. 09:36:49

21 After all counsel present have introduced themselves, 09:36:52

22 the witness will be sworn in by the court reporter. 09:36:55

23 This is the beginning of D.V.D. one, 09:36:59

24 Volume One. The D.V.D. is running and we're now on 09:37:00

25 the record. 09:37:03

1 MS. WOLFF: Good morning. Samantha Wolff on 09:37:04
2 behalf of the Plaintiffs. 09:37:06

3 MS. HURLEY: Good morning. Alison Hurley on 09:37:07
4 behalf of the witness, Charles Ferrara. 09:37:09

5 MS. MCLAUGHLIN: Kristin McLaughlin for 09:37:11
6 Defendant Sang Lee. 09:37:11

7 MR. GLOS: Christopher Glos on behalf of the 09:37:13
8 City and Chief Kepley. 09:37:17

9 MR. FIELDS: On the phone is Mark Fields, 09:37:23
10 attorney for Angelo Ferrara and N.F. 09:37:26

11 MR. COOPER: Robert Cooper on behalf of the 09:37:30
12 Defendant Brant Blakeman. 09:37:32

13
14 CHARLES FERRARA,
15 having first been duly sworn, was
16 examined and testified as follows:

17
18 EXAMINATION

19 09:37:44

20 BY MS. WOLFF: 09:37:44

21 Q. Good morning. 09:37:45

22 A. Good morning. 09:37:45

23 Q. Are you represented by counsel today? 09:37:46

24 A. Yes. 09:37:48

25 Q. And who is your counsel? 09:37:49

| | | |
|----|---|----------|
| 1 | A. Ms. Bacon -- sorry. | 09:37:50 |
| 2 | MS. HURLEY: That's okay. Tiffany Bacon | 09:37:56 |
| 3 | works in my office. | 09:37:58 |
| 4 | BY MS. WOLFF: | 09:38:00 |
| 5 | Q. Are there any other attorneys representing | 09:38:00 |
| 6 | you other than what you just mentioned? | 09:38:03 |
| 7 | A. No. | 09:38:05 |
| 8 | Q. Can you please spell your name for the | 09:38:05 |
| 9 | record. | 09:38:06 |
| 10 | A. Charles Michael Ferrara, C-h-a-r-l-e-s, | 09:38:06 |
| 11 | M-i-c-h-a-e-l, F-e-r-r-a-r-a. | 09:38:08 |
| 12 | Q. Thank you. | 09:38:16 |
| 13 | Have you ever had your deposition taken | 09:38:17 |
| 14 | before? | 09:38:19 |
| 15 | A. No. | 09:38:19 |
| 16 | Q. Have you ever signed any written documents | 09:38:20 |
| 17 | like a declaration under penalty of perjury before? | 09:38:22 |
| 18 | A. No. | 09:38:25 |
| 19 | Q. Have you ever testified in court before? | 09:38:26 |
| 20 | A. No. | 09:38:28 |
| 21 | Q. So, since you're sort of new to all of this, | 09:38:28 |
| 22 | I'll go over some ground rules. I'm sure that your | 09:38:34 |
| 23 | attorney probably went over some with you, but just | 09:38:37 |
| 24 | so that you understand how the process works. | 09:38:39 |
| 25 | Now, you're under oath which is the same oath | 09:38:42 |

| | | |
|----|---|----------|
| 1 | in Palos Verdes Estates about this lawsuit? | 09:42:07 |
| 2 | A. No. | 09:42:10 |
| 3 | Q. Where do you currently live? | 09:42:10 |
| 4 | A. I live in San Pedro. | 09:42:11 |
| 5 | Q. And your address? | 09:42:13 |
| 6 | MS. HURLEY: I'm going to object on the right | 09:42:15 |
| 7 | to privacy. The witness can be contacted through my | 09:42:15 |
| 8 | office. | 09:42:15 |
| 9 | And I'll instruct him not to answer. | 09:42:17 |
| 10 | MS. WOLFF: That's fine. | 09:42:18 |
| 11 | BY MS. WOLFF: | 09:42:19 |
| 12 | Q. How long have you lived in San Pedro? | 09:42:20 |
| 13 | A. One year. | 09:42:23 |
| 14 | Q. And where did you live before that? | 09:42:26 |
| 15 | A. With my parents, Wildomar. | 09:42:28 |
| 16 | Q. What was that? | 09:42:32 |
| 17 | A. At my parents' house in Wildomar. | 09:42:33 |
| 18 | Q. Where did you grow up? | 09:42:35 |
| 19 | A. Palos Verdes. | 09:42:37 |
| 20 | Q. And how long did you live in Palos Verdes? | 09:42:39 |
| 21 | A. Until I was 17. So, um, from when I was born | 09:42:43 |
| 22 | to when I was 17. And I moved to Hawaii. And then I | 09:42:52 |
| 23 | came back and lived in Palos Verdes for another | 09:42:56 |
| 24 | couple of years. And then I moved to Redondo Beach. | 09:42:59 |
| 25 | Q. And how long did you live in Hawaii? | 09:43:03 |

| | | |
|----|---|----------|
| 1 | A. For almost two years. | 09:43:06 |
| 2 | Q. Do you remember the years that you were | 09:43:07 |
| 3 | there? | 09:43:10 |
| 4 | A. Yeah. It was, let's see, um, the end of '02, | 09:43:10 |
| 5 | like August of '02 to almost the end of almost '04, | 09:43:15 |
| 6 | like almost '05. | 09:43:21 |
| 7 | Q. What are your parents' names? | 09:43:23 |
| 8 | A. Lynn Ferrara and Frank Ferrara. | 09:43:41 |
| 9 | Q. And does your dad surf? | 09:43:47 |
| 10 | A. Yes. | 09:43:51 |
| 11 | Q. And what does he do for a living? | 09:43:52 |
| 12 | A. He's an auto wholesales man, he buys and | 09:43:54 |
| 13 | sells cars. | 09:43:59 |
| 14 | Q. Do you have any siblings? | 09:43:59 |
| 15 | A. Yes. | 09:44:01 |
| 16 | Q. What are their names? | 09:44:01 |
| 17 | A. Salvatore Ferrara and Felipa Ferrara. | 09:44:02 |
| 18 | Q. And where do they live? | 09:44:06 |
| 19 | A. Felipa lives in Hawaii. And Salvatore lives | 09:44:10 |
| 20 | in San Francisco. | 09:44:13 |
| 21 | Q. Do you have any children? | 09:44:14 |
| 22 | A. Yes. | 09:44:17 |
| 23 | Q. How many? | 09:44:18 |
| 24 | A. I have a son. He's ten months old. | 09:44:18 |
| 25 | Q. Congratulations. | 09:44:22 |

| | | |
|----|--|----------|
| 1 | A. Thank you. | 09:44:24 |
| 2 | Q. Your uncle is Angelo Ferrara and he's a | 09:44:24 |
| 3 | Defendant in this lawsuit; is that correct? | 09:44:27 |
| 4 | A. Yes, Ma'am. | 09:44:29 |
| 5 | Q. And what does he do for a living? | 09:44:29 |
| 6 | A. Auto body and paint, it's a body shop. | 09:44:31 |
| 7 | Q. Is he also a shaper? | 09:44:35 |
| 8 | A. Yes, but he's in auto body. He's an auto | 09:44:38 |
| 9 | body, he fixes cars and paints them. | 09:44:41 |
| 10 | Q. And your cousin is N.F., and you understand | 09:44:44 |
| 11 | that we're using his initials because when he was | 09:44:49 |
| 12 | first named in this lawsuit, he was a minor at the | 09:44:51 |
| 13 | time? | 09:44:54 |
| 14 | A. Yes. | 09:44:54 |
| 15 | Q. And he's also a Defendant in this lawsuit; is | 09:44:55 |
| 16 | that correct? | 09:44:58 |
| 17 | A. Yes. | 09:44:58 |
| 18 | Q. And is Leo Ferrara N.F.'s brother? | 09:44:59 |
| 19 | A. Yes. | 09:45:04 |
| 20 | Q. So, other than the conversation that you've | 09:45:04 |
| 21 | had with your father in the presence of your | 09:45:14 |
| 22 | attorneys, have you had any other conversations with | 09:45:18 |
| 23 | other family members about this lawsuit? | 09:45:20 |
| 24 | A. No. | 09:45:22 |
| 25 | Q. And aside from you and Felipa, have any of | 09:45:22 |

1 surfing? 10:15:16

2 A. No. So, like I'm computer illiterate. I can 10:15:17

3 barely open my E-Mail. It's terrible. 10:15:21

4 Q. Do you ever get text messages asking you to 10:15:25

5 hangout at Lunada Bay? 10:15:28

6 A. No. 10:15:30

7 Q. And these texts, I'm sorry, you said phone 10:15:31

8 calls with your dad about surfing at Lunada Bay, has 10:15:39

9 he called you, would you say, in the past three 10:15:41

10 years? 10:15:43

11 A. Well, before that I wasn't surfing because I 10:15:44

12 had my injuries, but I would say in the last year 10:15:48

13 since '15, '16, there has been a couple of times 10:15:53

14 where I was at work and he would say, try to go 10:15:56

15 straight after work. 10:15:59

16 It's worth it to come down. There's surf or 10:16:00

17 I would drive by and say, dad, there are some waves. 10:16:03

18 It looks like fun. That's basically it. 10:16:07

19 Q. How long is the drive from San Pedro to 10:16:10

20 Lunada Bay? 10:16:13

21 A. Oh, it's like a good, it can be, if there's 10:16:14

22 traffic on 25th Street, sometimes it can be like a 10:16:19

23 half hour, you know, 35 minutes, but it's usually 10:16:23

24 like 15 to 20 minutes. 10:16:29

25 Q. Do you communicate with Sang Lee by cell 10:16:31

| | | |
|----|--|----------|
| 1 | phone? | 10:16:43 |
| 2 | A. No. | 10:16:43 |
| 3 | Q. Have you ever texted or called him? | 10:16:44 |
| 4 | A. Yes. I used to work with him like a few | 10:16:47 |
| 5 | years ago. We would do some -- he's a roofer. And | 10:16:50 |
| 6 | he had some work for me. So, I worked with him so. | 10:16:55 |
| 7 | Q. Do you recall approximately the dates that | 10:16:59 |
| 8 | you worked with him? | 10:17:01 |
| 9 | A. The years probably, let me think, um, | 10:17:02 |
| 10 | probably 2013 -- well, no, no, it's before that. So, | 10:17:10 |
| 11 | about 2008. And then 2014 a couple little side jobs. | 10:17:23 |
| 12 | That's pretty much it. | 10:17:36 |
| 13 | Q. It's just working with him kind of | 10:17:37 |
| 14 | sporadically? | 10:17:40 |
| 15 | A. Exactly. | 10:17:41 |
| 16 | Q. Other than talking about roofing jobs, it | 10:17:42 |
| 17 | sounds like were there any other times that you | 10:17:44 |
| 18 | communicated with Sang Lee? | 10:17:47 |
| 19 | A. No, no. | 10:17:48 |
| 20 | Q. And that was by text or phone? | 10:17:49 |
| 21 | A. Phone, I believe, phone. | 10:17:52 |
| 22 | Q. And have you communicated with any other | 10:17:55 |
| 23 | Defendant by phone in the past four years? | 10:18:05 |
| 24 | MS. HURLEY: Objection, lacks foundation, | 10:18:07 |
| 25 | calls for speculation, if you even know who the | 10:18:09 |

1 Defendants are. 10:18:13

2 THE WITNESS: Yes, can I just look? 10:18:15

3 BY MS. WOLFF: 10:18:16

4 Q. Yes, please. 10:18:16

5 A. How many years is that? 10:18:17

6 Q. In the past four years? 10:18:18

7 A. Four years -- 10:18:20

8 MS. HURLEY: For the record the witness is 10:18:20

9 referring to only the list of the Defendants on the 10:18:22

10 caption that was part of Exhibit 266. 10:18:24

11 THE WITNESS: So, that would mean that I have 10:18:28

12 talked with Sang Lee because that was in those four 10:18:30

13 years about working. 10:18:32

14 Um, I don't talk to Brant. 10:18:35

15 I haven't talked to Alan. 10:18:40

16 I don't talk to Michael. 10:18:42

17 I've talked to my Uncle Angelo. 10:18:44

18 BY MS. WOLFF: 10:18:47

19 Q. You didn't talk to your Uncle Angelo? 10:18:48

20 A. No. I've talked to Angelo. 10:18:51

21 And I've talked to my dad. 10:18:54

22 And I've talked to Nick. 10:18:55

23 Q. And when you've had discussions with your 10:18:57

24 Uncle Angelo was that about surfing at Lunada Bay? 10:19:08

25 MS. HURLEY: Objection, over broad, vague and 10:19:12

1 ambiguous. 10:19:14

2 THE WITNESS: No. It was about work. 10:19:14

3 BY MS. WOLFF: 10:19:16

4 Q. And the same question with respect to your 10:19:17

5 Cousin Nick, was it ever about surfing? 10:19:21

6 A. No. It's about work. I'm trying to have him 10:19:25

7 work with me a little bit. I'm trying to get him 10:19:29

8 work. 10:19:32

9 Q. You're trying to get your Cousin Nick some 10:19:33

10 work? 10:19:35

11 A. Yeah, a little work, yeah, so. 10:19:35

12 Q. I apologize if I have asked this before. I 10:19:40

13 don't think that I have. 10:19:46

14 Have you ever E-Mailed any Defendant in this 10:19:47

15 lawsuit related to surfing at Lunada Bay within the 10:19:49

16 past four years? 10:19:53

17 A. No. 10:19:55

18 Q. Have you ever E-Mailed any Defendant in this 10:19:55

19 lawsuit about non-locals accessing Lunada Bay in the 10:20:01

20 last four years? 10:20:06

21 A. No. 10:20:07

22 Q. Do you know if there's a day each year when 10:20:07

23 locals come together to pickup trash at Lunada Bay? 10:20:14

24 A. I've heard, I think, on Earth day. I don't 10:20:18

25 know the exact date. We just naturally just try to 10:20:23

1 THE VIDEOGRAPHER: This will mark the start 11:45:32
2 of D.V.D. two, Volume One in the continuing testimony 11:45:34
3 of Charles Ferrara. 11:45:37

4 We're back on the record at 11:45 a.m., 11:45:39
5 Counsel. 11:45:43

6 BY MS. WOLFF: 11:45:43

7 Q. Have you ever heard of the term "takers" in 11:45:43
8 the context of surfing at Lunada Bay? 11:45:48

9 A. No. 11:45:51

10 Q. Have you ever heard of the Palos Verdes 11:45:51
11 Estates police conducting an undercover operation at 11:45:54
12 Lunada Bay? 11:45:58

13 A. No. 11:45:59

14 Q. Have you ever heard from any local surfers 11:45:59
15 who were -- have you ever heard from any local 11:46:09
16 surfers that they had heard of a planned undercover 11:46:14
17 operation at Lunada Bay? 11:46:18

18 A. No. 11:46:19

19 Q. Do you recall surfing at Lunada Bay on 11:46:20
20 February 13, 2016? 11:46:27

21 A. Yes. 11:46:29

22 Q. And you were surfing that day; is that right? 11:46:30

23 A. Yes, yes. 11:46:37

24 Q. Was there any reason in particular that you 11:46:38
25 decided to surf that day or the conditions were just 11:46:40

| | | |
|----|---|----------|
| 1 | good? | 11:46:45 |
| 2 | A. The conditions were good. There was swell. | 11:46:45 |
| 3 | Q. So, did you receive a phone call or a text | 11:46:47 |
| 4 | message from anyone encouraging you to go to Lunada | 11:46:50 |
| 5 | Bay that day -- | 11:46:54 |
| 6 | A. No. | 11:46:54 |
| 7 | Q. -- or an E-Mail for that matter? | 11:46:54 |
| 8 | A. No. | 11:46:56 |
| 9 | Q. And you hung out on the patio at Lunada Bay | 11:46:56 |
| 10 | on that day; right? | 11:47:00 |
| 11 | MS. HURLEY: Objection, vague and ambiguous. | 11:47:03 |
| 12 | THE WITNESS: I was not hanging out. I went | 11:47:05 |
| 13 | to go surfing. | 11:47:06 |
| 14 | BY MS. WOLFF: | 11:47:07 |
| 15 | Q. Did you spend any time on the patio at | 11:47:08 |
| 16 | Lunada Bay on that day? | 11:47:13 |
| 17 | A. That's where I got ready near the patio to go | 11:47:14 |
| 18 | surfing. | 11:47:18 |
| 19 | Q. And do you recall what time of day that you | 11:47:19 |
| 20 | were there on that day? | 11:47:23 |
| 21 | A. It was the morning. It was like maybe 7:30 | 11:47:24 |
| 22 | or 8:00. | 11:47:30 |
| 23 | Q. And at some point Alan Johnston and Brant | 11:47:32 |
| 24 | Blakeman were at the patio as well; is that right? | 11:47:35 |
| 25 | A. Yes. | 11:47:38 |

1 Q. And when they came into the patio where were 11:47:39
2 you? 11:47:44

3 A. I was on the top side, kind of just getting 11:47:44
4 ready to go out. I put my wet suit, I had my wet 11:47:49
5 suit already on. And I was getting ready to go 11:47:53
6 surfing. I was kind of looking at the ocean seeing 11:47:56
7 where I was going to paddle out exactly. 11:48:00

8 Q. Was anyone else at the patio at that time? 11:48:03

9 A. Yes. 11:48:06

10 Q. The Plaintiff? 11:48:12

11 A. I saw the Plaintiff there, yeah. 11:48:12

12 Q. Diana Reed? 11:48:15

13 A. Yeah, I saw her and one other, another one of 11:48:16
14 her friends. 11:48:19

15 Q. Was it a female or male? 11:48:19

16 A. Yeah, a female, yeah. I was just, I saw them 11:48:21
17 and I said, hi, good morning. I didn't know who they 11:48:27
18 were, just good morning. 11:48:31

19 And then I was going surfing. And as I was 11:48:33
20 getting ready to go out, I saw Brant and Alan walking 11:48:37
21 up to the patio. 11:48:42

22 Q. And do you recall what the other woman looked 11:48:43
23 like who was with Diana Reed? 11:48:45

24 A. I believe she had darker hair. That's about 11:48:48
25 it. 11:48:52

1 Q. Do you recall if Alan Johnston was carrying a 11:48:52
2 case of beer when he was coming into the patio that 11:48:58
3 day? 11:49:01

4 A. I don't recall. 11:49:01

5 Q. Do you recall if the Defendant Johnston said 11:49:02
6 anything to Ms. Reed when he came onto the patio that 11:49:07
7 day? 11:49:10

8 A. I don't recall. 11:49:10

9 Q. Do you recall if he was being loud and 11:49:11
10 aggressive towards Ms. Reed that day? 11:49:16

11 MS. HURLEY: Objection, vague and ambiguous, 11:49:18
12 lacks foundation. 11:49:20

13 THE WITNESS: I don't recall. 11:49:21

14 BY MS. WOLFF: 11:49:22

15 Q. Do you remember if you got any impression 11:49:23
16 that Alan Johnston was trying to intimidate Ms. Reed 11:49:27
17 that day? 11:49:30

18 A. No. 11:49:30

19 Q. Did you observe Alan Johnston spray Ms. Reed 11:49:31
20 with his beer, either intentionally or 11:49:38
21 unintentionally? 11:49:41

22 A. No. 11:49:42

23 Q. And what was Brant Blakeman doing during this 11:49:43
24 time? 11:49:49

25 MS. HURLEY: Objection, vague and ambiguous, 11:49:49

1 during what time? 11:49:51

2 BY MS. WOLFF: 11:49:52

3 Q. During the time that you were on the patio? 11:49:53

4 MS. HURLEY: Objection, misstates testimony. 11:49:54

5 THE WITNESS: I don't know. I was going 11:49:56

6 surfing. I was concerned about what, how the surf 11:49:57

7 was. Like I said, where I was going to paddle out 11:50:01

8 for my safety. 11:50:06

9 I know that I only had a small time frame to 11:50:07

10 go surfing because I had to get back up to work. So, 11:50:11

11 I wasn't even concerned with -- I was just concerned 11:50:14

12 with I have got a small window here to surf. Let me 11:50:17

13 go surfing and that's it. 11:50:19

14 BY MS. WOLFF: 11:50:21

15 Q. So, do you recall if Brant Blakeman was using 11:50:22

16 a video camera to film while he was on the patio that 11:50:25

17 morning? 11:50:29

18 A. I don't recall. 11:50:30

19 Q. Have you ever seen Brant Blakeman with a 11:50:33

20 video camera to film while he's at Lunada Bay? 11:50:40

21 A. I don't recall that, no. 11:50:45

22 Q. Do you remember hearing Ms. Johnston -- 11:50:47

23 sorry. 11:50:57

24 Do you remember Alan Johnson telling Ms. Reed 11:50:57

25 that she was hot? 11:51:02

1 A. I don't recall that. 11:51:02

2 Q. Do you remember him telling Ms. Reed that she 11:51:03

3 was fucking sexy? 11:51:07

4 A. I don't recall that. I heard a couple, I 11:51:08

5 just heard like a conversation, but I was going 11:51:11

6 surfing, like I said. So, I was on the other side. 11:51:14

7 I wasn't getting involved in that at all. I 11:51:17

8 just was, I had like I said, I had a small time to go 11:51:19

9 surfing and that was it. And I was concerned about 11:51:24

10 getting out there, so. 11:51:27

11 Q. So, from where you were on the patio at the 11:51:28

12 time that Mr. Johnston and Mr. Blakeman came onto the 11:51:41

13 patio, about how far away from them were you seated? 11:51:45

14 MS. HURLEY: Objection, misstates testimony. 11:51:48

15 THE WITNESS: Um, pretty far, I mean, 11:51:52

16 probably like 20 feet. I was going surfing and they 11:51:57

17 were coming onto the patio. 11:52:02

18 And so I wasn't there, you know, maybe 11:52:03

19 20 feet for a moment of time, you know. 11:52:08

20 BY MS. WOLFF: 11:52:11

21 Q. So, how long would you say that all three of 11:52:12

22 you were on the patio at the same time? 11:52:14

23 MS. HURLEY: Objection, misstates testimony. 11:52:16

24 THE WITNESS: Um, how long would I say, gosh, 11:52:18

25 maybe five minutes. 11:52:23

1 BY MS. WOLFF: 11:52:25

2 Q. And during that five minutes were you in 11:52:26

3 approximately the same area of the patio? 11:52:30

4 A. No. I was in the top corner going surfing, 11:52:33

5 my stuff was above and they were below on the patio. 11:52:36

6 I wasn't even on the patio. I was above on the 11:52:40

7 patio. 11:52:42

8 Q. Were you sitting on the roof? 11:52:43

9 MS. HURLEY: Objection, misstates testimony. 11:52:46

10 THE WITNESS: No, not really. There's kind 11:52:47

11 of a roof, I guess. 11:52:49

12 BY MS. WOLFF: 11:52:51

13 Q. And is the distance from where you were and 11:52:52

14 where they were you said it's about 20 feet; is that 11:52:55

15 right? 11:52:57

16 A. Yeah, maybe more, maybe like 30 because they 11:52:57

17 were on the corner of the patio. And I was just 11:53:00

18 above where you go down to go surfing and so, yeah. 11:53:03

19 Q. Do you recall hearing Alan Johnston 11:53:08

20 mentioning that he saw Ms. Reed on the front of the 11:53:18

21 L.A. Times that morning? 11:53:20

22 A. No. 11:53:21

23 Q. And had you seen the L.A. Times that morning 11:53:23

24 before you had gone surfing? 11:53:29

25 A. No. 11:53:31

1 Q. Do you recall hearing Alan Johnston telling 11:53:31

2 Ms. Reed that he was big enough to get the job done? 11:53:36

3 A. No. 11:53:41

4 Q. Do you recall whether or not Mr. Johnston was 11:53:44

5 acting in a sexually suggestive manner at the time? 11:53:49

6 MS. HURLEY: Objection, calls for 11:53:52

7 speculation, calls for expert opinion testimony, 11:53:54

8 lacks foundation. 11:53:57

9 THE WITNESS: I'm not aware of that. I don't 11:53:57

10 know. 11:53:59

11 BY MS. WOLFF: 11:53:59

12 Q. Do you remember whether or not Alan Johnston 11:54:00

13 changed into his wet suit in front of Ms. Reed? 11:54:05

14 A. I'm not aware of that. I was surfing by that 11:54:09

15 time. 11:54:12

16 Q. Do you recall whether or not you saw any 11:54:12

17 police present at time of this incident? 11:54:20

18 MS. HURLEY: Objection, vague and ambiguous 11:54:23

19 as to incident, lacks foundation, calls for 11:54:25

20 speculation. 11:54:28

21 THE WITNESS: Can you rephrase that. 11:54:28

22 BY MS. WOLFF: 11:54:30

23 Q. Sure. 11:54:30

24 Were there any police down at the beach when 11:54:30

25 you were sitting on the patio that morning? 11:54:33

| | | |
|----|--|----------|
| 1 | A. That morning? | 11:54:35 |
| 2 | Q. Right. | 11:54:36 |
| 3 | A. No, there was not. | 11:54:36 |
| 4 | Q. Were there any police at the top of the bluff | 11:54:38 |
| 5 | when you were there when, sorry, when you were first | 11:54:41 |
| 6 | arriving? | 11:54:45 |
| 7 | A. When I first arrived, I didn't see anybody up | 11:54:45 |
| 8 | there, I mean, I don't know. There could have been. | 11:54:49 |
| 9 | Q. Do you recall whether or not Ms. Reed | 11:54:52 |
| 10 | appeared frightened by her interaction with | 11:55:02 |
| 11 | Defendants Johnston and Blakeman? | 11:55:07 |
| 12 | MS. HURLEY: Objection, calls for | 11:55:08 |
| 13 | speculation, lacks foundation, vague and ambiguous. | 11:55:09 |
| 14 | MR. DIEFFENBACH: Also, assumes facts. | 11:55:13 |
| 15 | THE WITNESS: I'm not aware of that. | 11:55:16 |
| 16 | BY MS. WOLFF: | 11:55:17 |
| 17 | Q. And did you say anything to Defendants | 11:55:18 |
| 18 | Johnston or Blakeman or Ms. Reed while you were on | 11:55:24 |
| 19 | the patio? | 11:55:27 |
| 20 | A. No. | 11:55:28 |
| 21 | Q. Okay. | 11:55:29 |
| 22 | A. Besides I said, good morning, when I got | 11:55:30 |
| 23 | there. | 11:55:33 |
| 24 | Q. Other than that, you didn't speak to any of | 11:55:33 |
| 25 | them? | 11:55:36 |

1 A. No. 11:55:36

2 Q. Did you say "hi" to Alan Johnston when he 11:55:36

3 walked onto the patio? 11:55:40

4 A. Did I say "hi" to them, I don't remember. I 11:55:41

5 could have said hi. That doesn't seem like too 11:55:46

6 farfetched, but I don't remember it. I was kind of 11:55:50

7 in a hurry. 11:55:54

8 I was trying to get ready, get your wet suit 11:55:55

9 on. The next thing, you know, trying to get out 11:55:58

10 there, you know, so, I was like. 11:56:01

11 Q. And when you left to go surfing, were Alan 11:56:03

12 Johnston and Brant Blakeman and Ms. Reed all still on 11:56:06

13 the patio? 11:56:09

14 A. Yes. 11:56:10

15 Q. And how long would you say that you went 11:56:11

16 surfing that morning? 11:56:21

17 A. Probably an hour and a half, two hours. 11:56:22

18 Q. And then after you were done surfing, you 11:56:27

19 came back in and did you change out of your wet suit 11:56:30

20 at some point? 11:56:34

21 A. I came back in, yes. And that's when there 11:56:35

22 were two cops down there. And where I came in was a 11:56:38

23 different spot from where I paddled out. 11:56:41

24 You can't get in there when the tide gets 11:56:44

25 lower. So, they said, this girl wanted to, we have a 11:56:47

1 couple of questions to ask you. 11:56:52

2 She said that you said some things to her. 11:56:54

3 Me and Alan have blonde hair, too. And we look kind 11:56:56

4 of similar, sure, no sweat. 11:57:00

5 And then I walked up to the point with the 11:57:02

6 two police officers and she said, oh, no, that wasn't 11:57:04

7 him. It's a different guy. So, that was basically 11:57:08

8 it. 11:57:11

9 Q. Do you recall the names of either officer? 11:57:12

10 A. I think one -- no, I don't, sorry. 11:57:14

11 Q. Can you describe what he looked like? 11:57:23

12 A. One was a younger guy, a younger officer. 11:57:25

13 And then one was a little older, you know. 11:57:30

14 Q. Do you recall what color hair they had? 11:57:34

15 A. They were both like one maybe was, was 11:57:36

16 Caucasian. And the other one was maybe Hispanic a 11:57:40

17 little bit or something. 11:57:44

18 Q. Was the younger one or the older one 11:57:45

19 Caucasian? 11:57:49

20 A. The younger one. 11:57:49

21 Q. Do you recall if -- excuse me. 11:57:51

22 Do you recall if either officer greeted you 11:57:54

23 by saying, hi, Charlie? 11:57:58

24 A. No, they didn't, no. 11:57:59

25 Q. Sorry, you don't recall or -- 11:58:00

1 A. They didn't. 11:58:03

2 Q. They didn't greet you that way? 11:58:03

3 A. No, they didn't greet me that way. 11:58:05

4 Q. And did you cooperate with the police and 11:58:07

5 tell them what you saw? 11:58:12

6 A. Yes. 11:58:13

7 Q. Did you recall what you told them? 11:58:14

8 A. I don't, I mean, just that I was going 11:58:16

9 surfing and that I said good morning to her and then, 11:58:22

10 you know, it wasn't me. 11:58:26

11 Alan and Brant, I guess, came on the patio 11:58:29

12 and I guess they had some words or an exchange of 11:58:32

13 words. And that's pretty much it what I told you 11:58:35

14 guys today so. 11:58:38

15 Q. Do you recall what the police asked you 11:58:39

16 specifically? 11:58:41

17 A. No, I don't recall. I think they, honestly, 11:58:45

18 I think they were just, she said there was some blond 11:58:49

19 hair kid that said something to her. 11:58:53

20 So, they thought, oh, you're the blonde hair 11:58:55

21 kid. She saw me, no, it's not him. And that was it. 11:58:58

22 Q. Do you remember if Alan Johnston was in the 11:59:04

23 water at the same time as you at any point that 11:59:07

24 morning? 11:59:11

25 A. I mean, I was surfing and then he came out. 11:59:11

1 There was a lot of surf. It was just one of those 11:59:15
2 days that it was a pretty good surf. 11:59:18

3 There was a lot of surf. So, I didn't 11:59:20
4 physically see him. If you're coming down to go 11:59:22
5 surfing, there are a few other spots you can surf up 11:59:25
6 the point a little bit. So, I didn't physically see 11:59:28
7 him. 11:59:30

8 Q. Do you recall seeing anyone else in the water 11:59:31
9 that morning? 11:59:33

10 A. There was like, yeah, like probably, you 11:59:35
11 know, 15 guys surfing there. 11:59:38

12 Q. Do you remember any of their names from that 11:59:40
13 morning? 11:59:43

14 A. No, I vaguely, I mean, I don't know who was 11:59:43
15 out there exactly, but there were probably like 15 11:59:47
16 guys. 11:59:50

17 Q. Do you remember seeing Brant Blakeman in the 11:59:50
18 water that morning? 11:59:54

19 A. Um, you know what, he might have, yeah, I 11:59:55
20 think that he came out eventually like towards the 12:00:00
21 end, but like I said, there was a lot of surf. And I 12:00:03
22 didn't cross paths with him too much. 12:00:05

23 But he came down to go surfing. So, he 12:00:07
24 definitely went surfing, but I don't know exactly the 12:00:10
25 time frame that he went surfing. 12:00:13

1 Q. Sure. So, aside from Brant and Alan who 12:00:14
2 possibly went surfing that morning, do you remember 12:00:19
3 anyone else who was there? 12:00:22

4 A. Do I remember, um, no, I don't. I mean, 12:00:24
5 they're just people surfing. There are probably, 12:00:32
6 yeah, not really. 12:00:38

7 Q. Fair enough. 12:00:39

8 And then at some point when the police 12:00:41
9 finished speaking with you, you told Ms. Reed that 12:00:45
10 you were sorry for what happened to her; is that 12:00:50
11 correct? 12:00:53

12 MS. HURLEY: Objection, vague and ambiguous, 12:00:53
13 lacks foundation. 12:00:57

14 THE WITNESS: I just told, um, the officers 12:00:58
15 that I apologized for them having to come down the 12:01:02
16 hill, the cliff, and go on the rocks and do all of 12:01:05
17 that. 12:01:09

18 So, maybe she overheard that and she thought 12:01:09
19 that I was saying I'm sorry to her, but I was kind of 12:01:13
20 apologizing to the cops for having to go through all 12:01:16
21 of that. 12:01:19

22 BY MS. WOLFF: 12:01:19

23 Q. So, you weren't apologizing to Ms. Reed? 12:01:19

24 A. No. I wasn't apologizing to Ms. Reed. I 12:01:23
25 don't know what happened. What would I apologize, so 12:01:26

| | | |
|----|--|----------|
| 1 | whatever. | 12:01:31 |
| 2 | Q. Did you receive a group E-Mail about that | 12:01:31 |
| 3 | interaction with Ms. Reed and Alan Johnston and | 12:01:35 |
| 4 | Brant Blakeman at any point? | 12:01:38 |
| 5 | A. No. | 12:01:40 |
| 6 | Q. Did you receive a group text about that | 12:01:40 |
| 7 | incident at any point? | 12:01:43 |
| 8 | A. No. | 12:01:44 |
| 9 | Q. And did you communicate with Alan Johnston | 12:01:45 |
| 10 | about that incident after it occurred? | 12:01:48 |
| 11 | A. No. | 12:01:50 |
| 12 | Q. Did you communicate with Brant Blakeman after | 12:01:51 |
| 13 | it occurred? | 12:01:55 |
| 14 | A. No. | 12:01:56 |
| 15 | Q. And did you communicate with anybody about | 12:01:56 |
| 16 | the incident after it occurred aside from the police | 12:01:59 |
| 17 | officers? | 12:02:01 |
| 18 | MS. HURLEY: And aside from conversations | 12:02:02 |
| 19 | that you had with attorneys. | 12:02:03 |
| 20 | MS. WOLFF: Of course. | 12:02:04 |
| 21 | THE WITNESS: No. | 12:02:05 |
| 22 | BY MS. WOLFF: | 12:02:05 |
| 23 | Q. So, I want to play for you a couple of short | 12:02:06 |
| 24 | videos that Brant Blakeman filmed from that morning. | 12:02:16 |
| 25 | And I'm just going to ask you a couple of questions | 12:02:22 |

| | | |
|----|--|----------|
| 1 | about them. | 12:02:25 |
| 2 | A. All right. | 12:02:25 |
| 3 | Q. The first one that I'm going to play is bates | 12:02:26 |
| 4 | number D-F-T point or period BB.000081. | 12:02:29 |
| 5 | MR. GLOS: Sorry, could you please just read | 12:02:39 |
| 6 | that again for me. | 12:02:41 |
| 7 | MS. WOLFF: Sure. It's D-F-T point | 12:02:42 |
| 8 | BB.000081. Sorry, one second. | 12:03:03 |
| 9 | Can you see that okay? | 12:03:22 |
| 10 | THE WITNESS: Yeah. | 12:03:23 |
| 11 | MR. GLOS: Have you seen this? | 12:03:36 |
| 12 | | 12:03:38 |
| 13 | (Discussion held off the record.) | 12:03:38 |
| 14 | | 12:04:25 |
| 15 | BY MS. WOLFF: | 12:04:25 |
| 16 | Q. That was the first video. Sorry, let me ask | 12:04:25 |
| 17 | you some questions about that one first. | 12:04:29 |
| 18 | A. Okay. | 12:04:31 |
| 19 | Q. Do you recall observing any of that | 12:04:32 |
| 20 | interaction? | 12:04:35 |
| 21 | A. No. That was obnoxious. | 12:04:36 |
| 22 | Q. Do you recall observing any of that? | 12:04:38 |
| 23 | A. No. | 12:04:40 |
| 24 | Q. So, you weren't present at that time? | 12:04:40 |
| 25 | A. I mean, I was getting ready to go surfing, | 12:04:43 |

1 but I didn't see, like hear any of that. I heard 12:04:45
2 some things going on and that's, wow, I didn't know 12:04:49
3 exactly what was said, but it looked obnoxious to me. 12:04:54
4 Q. And is that Alan Johnston in the video? 12:04:59
5 A. Yeah. 12:05:01
6 Q. And is that the woman that you recall seeing 12:05:02
7 that day? 12:05:05
8 A. Yeah, yeah, and the friend with her. 12:05:05
9 Q. And after watching that video, does that 12:05:12
10 change any of your previous answers; does that 12:05:16
11 refresh your recollection in anyway? 12:05:18
12 A. No. 12:05:20
13 MS. HURLEY: Objection, over broad, yeah, 12:05:20
14 fine. 12:05:22
15 BY MS. WOLFF: 12:05:22
16 Q. No? 12:05:22
17 A. No. 12:05:23
18 MS. WOLFF: Okay. And then, sorry guys, I'll 12:05:26
19 play the other one. 12:05:28
20 12:06:29
21 (Discussion held off the record.) 12:06:29
22 12:06:30
23 MS. HURLEY: Was that a different bates 12:06:30
24 number? 12:06:32
25 MS. WOLFF: Yeah. Sorry. That was bates 12:06:32

| | | |
|----|---|----------|
| 1 | D-F-T point BB.000082. | 12:06:36 |
| 2 | MS. HURLEY: Okay. | 12:06:44 |
| 3 | BY MS. WOLFF: | 12:06:45 |
| 4 | Q. Do you recall seeing that interaction that's | 12:06:45 |
| 5 | recorded on that video while you were there that day? | 12:06:48 |
| 6 | A. No. | 12:06:51 |
| 7 | Q. Had you gone surfing by then do you think? | 12:06:51 |
| 8 | A. Yeah, yeah. | 12:06:54 |
| 9 | Q. Okay. And again, that was Alan Johnston in | 12:06:54 |
| 10 | the video? | 12:06:59 |
| 11 | A. Yes. | 12:07:00 |
| 12 | Q. Did you hear Brant Blakeman's voice as well | 12:07:00 |
| 13 | in that video? | 12:07:03 |
| 14 | A. Yeah. | 12:07:04 |
| 15 | Q. And those were the two women that you recall | 12:07:04 |
| 16 | seeing that day as well -- | 12:07:07 |
| 17 | A. Yes. | 12:07:08 |
| 18 | Q. -- in the video? | 12:07:08 |
| 19 | A. Uh-huh. | 12:07:09 |
| 20 | Q. And you spoke with Ms. Reed on another | 12:07:10 |
| 21 | occasion after that incident; didn't you? | 12:07:17 |
| 22 | A. No. | 12:07:20 |
| 23 | Q. That was the only time that you've ever | 12:07:20 |
| 24 | spoken with her? | 12:07:23 |
| 25 | A. Yeah. | 12:07:25 |

1 Q. Have you ever seen her since then? 12:07:25

2 A. I saw her one other time, yes. 12:07:28

3 Q. Do you remember when that was? 12:07:30

4 A. That was -- I don't remember. It was after 12:07:32

5 that happened, a couple of months, maybe a month 12:07:40

6 after. 12:07:43

7 Q. And what was -- I'm sorry. 12:07:43

8 Where did you see her? 12:07:47

9 A. She was just down at the -- she was at the 12:07:48

10 cliff where we surf down at the Bay and just sitting 12:07:52

11 down there. 12:07:56

12 Q. At the patio? 12:07:56

13 A. Yeah. 12:07:58

14 Q. And what were you doing that day? 12:07:58

15 A. I was surfing. 12:08:00

16 Q. Were you in the water when you saw her? 12:08:01

17 A. No. I came in and I just saw her. She was 12:08:03

18 sitting at the patio and that's all. 12:08:05

19 Q. Did you go to the patio at all? 12:08:08

20 A. No, but I kind of put my stuff by the patio. 12:08:10

21 So, I just saw her there, you know. 12:08:13

22 Q. And you didn't say anything to her? 12:08:15

23 A. No, not one thing. 12:08:18

24 Q. Was anyone else there that day on the patio? 12:08:19

25 I'm sorry. 12:08:23

1 A. There were a couple of people. I don't know 12:08:23
2 exactly who it was, but there were a couple of people 12:08:26
3 there. 12:08:29

4 Q. On the patio with her? 12:08:29

5 A. On the patio, yeah. 12:08:30

6 Q. Do you recall who was there? 12:08:32

7 A. I don't recall who was there exactly, but I 12:08:33
8 know that there were a couple of people. 12:08:36

9 Q. Do you know if they were people that you knew 12:08:38
10 at the time or were they people that you had never 12:08:40
11 seen before? 12:08:43

12 A. I don't know exactly. My stuff wasn't on the 12:08:45
13 patio. She was, you know, there's not that many, 12:08:49
14 she's pretty noticeable in the area. 12:08:53

15 I saw her, that was the girl that I saw that 12:08:56
16 came down the other time. I got my stuff and went up 12:09:00
17 the trail. That's what I usually do. 12:09:04

18 Q. So, you saw her when you were on your way in 12:09:06
19 from surfing? 12:09:10

20 A. Yeah. 12:09:10

21 MS. WOLFF: So, Ms. Reed had a conversation 12:09:13
22 with a surfer at Lunada Bay after the February 13th 12:09:15
23 incident. And she recorded the conversation on her 12:09:20
24 phone. 12:09:22

25 And there's only audio. There's not video to 12:09:23

| | | |
|----|--|----------|
| 1 | A. No. I know that I've never surfed with him. | 12:55:53 |
| 2 | Q. And you don't think that you've ever seen him | 12:55:56 |
| 3 | at Lunada Bay? | 12:55:59 |
| 4 | A. No, I've never seen him at Lunada Bay. | 12:56:00 |
| 5 | Q. Okay. Do you know who Corey Spencer is, | 12:56:01 |
| 6 | outside of conversations with attorney? | 12:56:04 |
| 7 | A. I don't know him outside of conversations | 12:56:06 |
| 8 | with my attorney. | 12:56:08 |
| 9 | Q. Okay. Do you know who Ken Claypool is? | 12:56:09 |
| 10 | A. No. | 12:56:13 |
| 11 | Q. Do you know who Grace Claypool is? | 12:56:13 |
| 12 | A. No. | 12:56:16 |
| 13 | Q. Do you know who Jordan Wright is? | 12:56:16 |
| 14 | A. No. | 12:56:19 |
| 15 | Q. Have you ever been arrested? | 12:56:19 |
| 16 | MS. HURLEY: Objection, you can ask him if he | 12:56:23 |
| 17 | has ever had any felony convictions, but as to any | 12:56:26 |
| 18 | arrest, I'll go ahead and instruct him not to answer | 12:56:29 |
| 19 | as to the right of privacy. | 12:56:32 |
| 20 | BY MS. WOLFF: | 12:56:34 |
| 21 | Q. Have you ever had any convictions? | 12:56:35 |
| 22 | MS. HURLEY: Felony convictions is the only | 12:56:36 |
| 23 | response that he's giving. So, only felony | 12:56:39 |
| 24 | convictions you can answer. | 12:56:42 |
| 25 | THE WITNESS: No. | 12:56:43 |

1 THE REPORTER: Counsel, do you want a copy
2 of the deposition?

3 MR. GLOS: Yes.

4 MS. VU: No.

5 MR. DIEFFENBACH: Yes.

6 MS. MCCLAUGHLIN: Yes.

7 MS. HURLEY: Yes.

8 MR. HAVEN: Yes.

9
10
11 (Whereupon, the deposition of
12 CHARLES FERRARA commenced at
13 9:36 a.m. and concluded at
14 1:40 p.m.)
15
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25

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
18
19

20 _____
21 CHARLES FERRARA
22
23
24
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of CHARLES FERRARA,
taken on Friday, July 7, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit L

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual;) Case No.
DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

v.)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN JOHNSTON)
aka JALIAN JOHNSTON, MICHAEL)
RAE PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA and N.F.; CITY OF)
PALOS VERDES ESTATES;)
CHIEF OF POLICE JEFF KEPLEY,)
in his representative)
capacity; and DOES 1-10,)

Defendants.)

DEPOSITION OF CORY ELTON SPENCER
Los Angeles, California
Tuesday, October 11, 2016

Reported by:
Carmen R. Sanchez
CSR No. 5060

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual;) Case No.
DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
individual; and COASTAL)
PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

v.)

LUNADA BAY BOYS; THE)
INDIVIDUAL MEMBERS OF THE)
LUNADA BAY BOYS, including)
but not limited to SANG LEE,)
BRANT BLAKEMAN, ALAN JOHNSTON)
aka JALIAN JOHNSTON, MICHAEL)
RAE PAPAYANS, ANGELO FERRARA,)
FRANK FERRARA, CHARLIE)
FERRARA and N.F.; CITY OF)
PALOS VERDES ESTATES;)
CHIEF OF POLICE JEFF KEPLEY,)
in his representative)
capacity; and DOES 1-10,)

Defendants.)

Deposition of CORY ELDON SPENCER, taken
on behalf of defendants, at 777 South Figueroa Street,
Suite 4550, Los Angeles, California, beginning at
10:01 a.m. and ending at 6:35 p.m., on Tuesday,
October 11, 2016, before Carmen R. Sanchez,
Certified Shorthand Reporter No. 5060.

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25

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19 (NOT PRESENT)

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I N D E X

WITNESS

CORY ELDON SPENCER

Examination by: Page

MS. HEWITT 11, 305, 337

MR. FIELDS 217

MR. WORGUL 222, 306, 326, 343, 345

MS. LUTZ 306

MR. HAVEN 321, 336, 343

MR. FRANKLIN 344

E X H I B I T S

| Defendants' | | Page | Page |
|-------------|-------------|------------|--------|
| Exhibit | Description | Introduced | Marked |

| | | | |
|------------|---|----|----|
| Exhibit 40 | Copy of a document entitled, "DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY'S NOTICE OF DEPOSITION TO PLAINTIFF CORY SPENCER" | 21 | 21 |
|------------|---|----|----|

| | | | |
|------------|--|----|----|
| Exhibit 41 | Copy of a document entitled, "CLASS ACTION COMPLAINT AND JURY DEMAND" | 29 | 29 |
|------------|--|----|----|

Continued

I N D E X (CONTINUED)

E X H I B I T S

| Defendants' Exhibit | Description | Page Introduced | Page Marked |
|------------------------|---|--------------------|----------------|
| Exhibit 42 | Copy of an E-mail dated March 05, 2016, from Jeff Kepley to Mark Velez; Bates-stamped CITY1807 | 158 | 158 |
| Exhibit 43 | Color copy of a photograph taken at the deposition of Cory Eldon Spencer depicting his hand and scar | 306 | 306 |
| Exhibit 44 | Copy of a drawing made on yellow legal pad paper by Mr. Worgul during the deposition of Cory Eldon Spencer | 334 | 334 |

Continued

I N D E X (CONTINUED)

(The following exhibit was previously
marked in a prior deposition and is attached
herewith for reference purposes):

E X H I B I T S

| Defendants' | | First Page |
|-------------|---|------------|
| Exhibit | Description | Referenced |
| Exhibit 34 | Copy of a document entitled, "PLAINTIFFS' SUPPLEMENTAL DISCLOSURES" | 205 |

QUESTIONS THE WITNESS WAS INSTRUCTED NOT TO ANSWER

PAGE: LINE:

32 25

33 20

135 20

223 10

273 7

1 Los Angeles, California

2 Tuesday, October 11, 2016, 10:01 a.m. - 6:35 p.m.

3

4 THE REPORTER: Pursuant to the Federal Rules of
5 Civil Procedure, I am required to state the following:

6 My name is Carmen R. Sanchez, a
7 certified court reporter with Hahn & Bowersock, A
8 Veritext Company, located at 20 Corporate Park,
9 Suite 350, Irvine, California.

10 This is the deposition of
11 Cory Eldon Spencer, in the matter of Cory Spencer,
12 et al., vs. Lunada Bay Boys, et al., beginning at
13 10:01 a.m., on Tuesday, October 11, 2016.

14 Counsel, will you please state your
15 appearances for the record.

16 MS. HEWITT: Antoinette Hewitt for the city.

17 MR. WORGUL: John Worgul for defendant
18 Brant Blakeman.

19 MR. HAVEN: Peter Haven for defendant
20 Michael Papayans.

21 MR. CROWLEY: Daniel Crowley with Booth,
22 Mitchel & Strange on behalf of Sang Lee.

23 MS. LUTZ: Tera Lutz for defendant Sang Lee.

24 MR. COOPER: Robert S. Cooper, Buchalter Nemer
25 for defendant Brant Blakeman telephonically.

1 MR. FIELDS: Mark Fields for Angelo Ferrara and
2 N.F. telephonically.

3 MS. BELL: Laura Bell for Frank Ferrara and
4 Charlie Ferrara appearing telephonically.

5 MR. FRANKLIN: Kurt Franklin on behalf of
6 Mr. Spencer and the other plaintiffs in this matter.
7 And if I can, just as a matter of housekeeping, the
8 plaintiffs would request under FRCP 30, the ability to
9 review the transcript within 30 days.

10
11 CORY ELDON SPENCER,
12 called as a witness by and on behalf of the
13 defendants, and having been first duly sworn
14 by the Certified Shorthand Reporter, was examined and
15 testified as follows:

16
17 EXAMINATION

18 BY MS. HEWITT:

19 Q Would you please state and spell your
20 name for the record.

21 A Cory Spencer.

22 This is a microphone? Cory Spencer, C-o
23 -- Cory Eldon Spencer, C-o-r-y E-l-d-o-n S-p-e-n-c-e-r.

24 Q Have you ever given a deposition before?

25 A I have.

1 A Correct.

2 Q You did not experience any vandalism; is
3 that correct?

4 A Correct.

5 Q All right. And you did not experience
6 anything that caused you to later to be fearful of
7 later coming back to Lunada Bay; is that correct?

8 A Not on those times; correct.

9 Q Okay.

10 All right. If we go to the next
11 sentence, it starts at line 13, sir (as read):

12 "But in January 2016, Spencer
13 worked up his courage to surf Lunada Bay
14 during a large winter swell."

15 Going to a time period before
16 January 2016, is it true that you had never surfed
17 Lunada Bay before that time?

18 A That's true.

19 Q Okay. So when you visited Lunada Bay
20 before you turned 20, you went to Lunada Bay but did
21 not surf; correct?

22 A That's correct.

23 Q All right.

24 When you went during those four to five
25 times, did you go on the beach?

1 A That was the last time, and there's been
2 a few of those.

3 Q Do you know the names of any of those
4 people who gave you those "kudos," for lack of a better
5 word?

6 MR. FRANKLIN: Asked and answered.

7 THE WITNESS: I do not.

8 BY MR. FIELDS:

9 Q Of the people who gave you those kudos
10 and said, "Thank you for doing this. The Bay Boys are
11 bad," however you want to phrase it, did any of them
12 specifically mention Angelo Ferrara?

13 A That's a name that keeps coming up as
14 one of the more prominent names who has been involved
15 over the years. Like I said, I can't identify to you a
16 Ferraro -- Ferrara from the next Ferrara, but that is a
17 very popular name associated with the Bay Boys through
18 casual conversations that I have had from people
19 thanking me in the surfing community for doing what I'm
20 doing.

21 Q And the people who thanked you, they
22 haven't distinguished one Ferrara from the next to you?

23 A No. Just the name. It's synonymous
24 with that place.

25 Q With -- take a look at the supplemental

1 MS. LUTZ: Yes.

2 THE REPORTER: Mr. Franklin, did you want a
3 certified transcript?

4 MR. FRANKLIN: Yes.

5 (Deposition proceedings concluded at
6 6:35 p.m. Declaration under penalty of perjury on the
7 following page hereof.)

8

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25

I do solemnly declare under penalty of perjury, under the laws of the State of California, that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this _____ day of _____, 20____.

Witness Signature

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand
Reporter of the State of California do hereby certify:

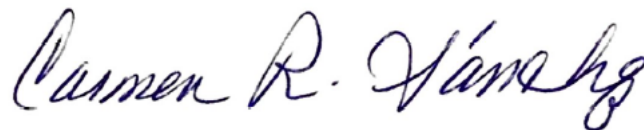
That the foregoing proceedings were taken
before me at the time and place herein set forth;
that any witnesses in the foregoing proceedings, prior
to testifying, were placed under oath; that a verbatim
record of the proceedings was made by me using machine
shorthand which was thereafter transcribed under my
direction; further, that the foregoing is an accurate
transcription thereof.

That before completion of the deposition, a
review of the transcript [X] was [] was not requested.

I further certify that I am neither
financially interested in the action nor a relative or
employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: October 21, 2016



Carmen R. Sanchez

CSR No. 5060

Exhibit M

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
2:16-cv-02129-SJO-RAO
Plaintiffs,)
vs.)
LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
Santa Monica, California
Monday, October 24, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
_____)

Videotaped deposition of DIANA MILENA REED, taken
before Jimmy Rodriguez, a Certified Shorthand Reporter for
the State of California, with principal office in the
County of Orange, commencing at 9:12 a.m., Monday,
October 24, 2016 at the Premier Business Centers - Santa
Monica, 401 Wilshire Boulevard, 12th Floor, Santa Monica,
California.

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8 Also Present:
9 MARNIE LEVY, Videographer
10
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I N D E X

| EXAMINATIONS | PAGE |
|---------------|------|
| BY MS. HEWITT | 9 |

E X H I B I T S

| Exhibit | Description | PAGE |
|------------|----------------------|------|
| Exhibit 50 | notice of deposition | 41 |

PREVIOUSLY MARKED EXHIBITS

| Exhibit | Description | PAGE |
|------------|-------------|------|
| Exhibit 41 | complaint | 97 |

WITNESS INSTRUCTED NOT TO ANSWER

(None)

INFORMATION REQUESTED

(None)

1 Monday, October 24, 2016, 9:12 a.m.

2 Santa Monica, California

3 09:12

4 THE VIDEOGRAPHER: Good morning. We are 09:12

5 on the record at 9:12 a.m. on Monday, October 24, 09:12

6 2016. This is the video recorded deposition of 09:13

7 Ms. Diana Milena Reed. My name is Marnie Levy, 09:13

8 certified legal video specialist here with our court 09:13

9 reporter Jim Rodriguez. We are here from Veritext 09:13

10 Legal Solutions, and we are here representing the 09:13

11 defendants. 09:13

12 This deposition is being held at 401 09:13

13 Wilshire Boulevard, 12th floor, in Santa Monica, 09:13

14 California. The caption of this case is Cory 09:13

15 Spencer, et al., versus Lunada Bay Boys, case number 09:13

16 2:16-cv-02129-SJO-RAO. 09:13

17 Please note that audio and video recording 09:13

18 will take place unless all parties agree to go off 09:13

19 the record. I am not related to any party in this 09:13

20 action nor am I financially interested in the 09:13

21 outcome in any way. 09:14

22 If there are any objections to proceeding, 09:14

23 please state them at the time of your appearance 09:14

24 beginning with the noticing attorney. 09:14

25 Thank you, the witness will be sworn in 09:14

Page 7

1 and counsel may begin the examination. 09:14
2 09:14
3 DIANA MILENA REED,
4 produced as a witness and having been first duly
5 sworn by the Certified Shorthand Reporter, was
6 examined and testified as follows:
7
8 MS. HEWITT: Before we begin, may I have 09:14
9 all counsel state their appearances on the record 09:14
10 please, and I'll begin with myself. 09:14
11 Antoinette Hewitt from Kutak Rock for the 09:14
12 City of Palos Verdes Estates and Police 09:14
13 Chief Kepley. 09:14
14 MR. HAVEN: Good morning, Peter Haven for 09:14
15 defendant Michael Papayans. 09:14
16 MS. LUTZ: Good morning, Tera Lutz for 09:14
17 Defendant Sang Lee. 09:14
18 MR. CAREY: Good morning, Pat Carey for 09:14
19 defendant Alan Johnston. 09:14
20 MR. DIEFFENBACH: Richard Dieffenbach for 09:14
21 Brant Blakeman, defendant. 09:14
22 MR. CROWLEY: Daniel Crowley for Sang Lee. 09:14
23 MR. FRANKLIN: Kurt Franklin on behalf of 09:14
24 Ms. Diana Milena Reed and the other plaintiffs in 09:14
25 this matter and the putative class. 09:15

Page 8

1 As a quick matter of housekeeping, just so 09:15
2 I can get it out early, the plaintiffs will be 09:15
3 requesting under Rule 30 that they have the 09:15
4 opportunity to review the transcript under the 09:15
5 federal rules. 09:15
6 MS. HEWITT: Thank you. 09:15
7 On the phone? 09:15
8 MR. FIELDS: Mark Fields for Angelo 09:15
9 Ferrara and NF. 09:15
10 MS. HEWITT: Anybody else on the phone? 09:15
11 Thank you. And would you please mute the 09:15
12 phone? Thank you. 09:15
13 09:15
14 EXAMINATION 09:15
15 BY MS. HEWITT: 09:15
16 Q Would you please state and spell your name 09:15
17 for the record? 09:15
18 A My name is Diana Milena Reed. D-i-a-n-a. 09:15
19 M-i-l-e-n-a. R-e-e-d. 09:15
20 Q Thank you. Have you ever had your 09:15
21 deposition taken before? 09:15
22 A Yes, I have had a deposition taken before. 09:15
23 Q How many times? 09:15
24 A One time. 09:15
25 Q And was it in connection with a lawsuit? 09:15

Page 9

| | | | |
|----|---|--|-------|
| 1 | A | Yes. | 09:23 |
| 2 | Q | Were any other attorneys there? | 09:23 |
| 3 | A | No. | 09:23 |
| 4 | Q | Did you review any documents at the time? | 09:23 |
| 5 | A | Yes, I did. | 09:23 |
| 6 | Q | Did any of them refresh your recollection | 09:23 |
| 7 | | about any of the events in this matter? | 09:23 |
| 8 | A | Yes. | 09:23 |
| 9 | Q | Which documents were those? | 09:23 |
| 10 | A | I reviewed a letter from Mr. Otten to the | 09:23 |
| 11 | | police. I also reviewed a police report. And I | 09:23 |
| 12 | | believe those were the only two documents that I | 09:23 |
| 13 | | reviewed. | 09:23 |
| 14 | Q | Okay. As to the police report, do you | 09:23 |
| 15 | | remember what incident that pertained to? | 09:23 |
| 16 | A | Yes. It pertained to the incident on | 09:23 |
| 17 | | February 13th. | 09:23 |
| 18 | Q | Okay. Anything else that you can remember | 09:24 |
| 19 | | that you -- I'm sorry -- that you reviewed, that | 09:24 |
| 20 | | refreshed your recollection? | 09:24 |
| 21 | A | Yes, I did review other material as well. | 09:24 |
| 22 | Q | That refreshed your recollection? | 09:24 |
| 23 | A | Yes. | 09:24 |
| 24 | Q | What were the other materials that you | 09:24 |
| 25 | | reviewed? | 09:24 |

1 A I also reviewed an audio recording. 09:24

2 Q Okay. What else? 09:24

3 A And I reviewed some photos that were part 09:24

4 of the complaint. And I also, you know, reviewed 09:24

5 the complaint as well, it's another document. 09:24

6 Q Anything else? 09:24

7 A That's all I can remember at this time. 09:24

8 Q All right. The audio recording, what did 09:24

9 that pertain to? 09:24

10 A The audio recording pertained to a 09:24

11 conversation that I had with Charlie Ferrara. 09:25

12 Q Okay. Did you actually listen to the 09:25

13 recording? 09:25

14 A Yes, I did. 09:25

15 Q Did you review a transcript of it as well? 09:25

16 A I did not review a transcript of it. 09:25

17 MR. FRANKLIN: I don't mean to interrupt, 09:25

18 but probably most plaintiff's lawyers maybe don't do 09:25

19 this, but these are the documents she reviewed. 09:25

20 MS. HEWITT: That's nice. 09:25

21 MR. FRANKLIN: Including a thumb drive of 09:25

22 the audio and video. 09:25

23 MS. HEWITT: Thank you, Mr. Franklin. 09:25

24 This is -- Mr. Franklin has provided to us a Sandisk 09:25

25 drive, it's red; as well as a stack of documents 09:25

1 attempt. 11:50

2 Q I think earlier we decided that we weren't 11:50

3 sure whether or not you'd been to Lunada Bay before 11:50

4 that day. 11:50

5 A I didn't say that. 11:50

6 Q My fault. 11:50

7 Had you been to Lunada Bay before 11:50

8 January 29, 2016? 11:50

9 A I had been to the top of the bluff. 11:50

10 Q Top of the bluff, okay. 11:50

11 Do you remember -- is it like towards the 11:50

12 beginning of January, middle of January? 11:50

13 A It was towards the beginning of January. 11:50

14 I think that it was around the 6th of January 11:50

15 approximately. 11:50

16 Q And before that time on approximately the 11:50

17 6th of January, had you ever been to the top of the 11:50

18 bluff at Lunada Bay before? 11:50

19 A I don't think so. I may have at one point 11:51

20 driven up the coast looking at the coast, but I 11:51

21 don't know if I stopped at Lunada Bay or not. And 11:51

22 that wasn't for surfing. It was for scenic reasons. 11:51

23 Q Okay. Just to be clear so I don't get it 11:51

24 wrong again: Before January 6, 2016, had you ever 11:51

25 been down to the beach at Lunada Bay? 11:51

1 A I didn't go down to the beach on 11:51
2 January 6th. 11:51
3 Q I understand that, I'm just making sure 11:51
4 before that date you had never gone to the beach 11:51
5 there? 11:51
6 A No. 11:51
7 Q And had you ever stopped at Lunada Bay at 11:51
8 all before January 6, 2016? 11:51
9 MR. FRANKLIN: Asked and answered. 11:52
10 THE WITNESS: Yeah, I may have when I was 11:52
11 looking at the coast, I don't know. 11:52
12 BY MS. HEWITT: 11:52
13 Q Okay. So in January 6, 2016, where did 11:52
14 you stop on the bluff? 11:52
15 A I went there to watch my friend surf. 11:52
16 Q Who was that? 11:52
17 A It was a big day. Much too big for me. 11:52
18 So I just went there to watch. 11:52
19 Q Who was your friend? 11:52
20 A Well, my friend Jordan Wright, boyfriend, 11:52
21 and his friends. 11:52
22 Q Who was his friends that you went to 11:52
23 watch? 11:52
24 A One of them was my friend Preston, I don't 11:52
25 remember his last name. A friend of Jordan's called 11:52

1 A I was too scared to do anything. 13:57

2 Q Okay. At some point did you get in touch 13:57

3 with any police that were at the beach or the bluff 13:57

4 in order to get a police escort down to the beach? 13:57

5 MR. FRANKLIN: Lacks foundation. 13:57

6 THE WITNESS: At what point? I'm having 13:57

7 trouble understanding the question. 13:57

8 BY MS. HEWITT: 13:57

9 Q At any time, on February 13th, did you 13:57

10 talk to the police at all that day about assisting 13:57

11 you with regard to any harassment at Lunada Bay? 13:57

12 MR. FRANKLIN: Vague and ambiguous. 13:57

13 THE WITNESS: Can you be more specific 13:57

14 please? 13:57

15 BY MS. HEWITT: 13:57

16 Q Did you talk to the police at all that 13:57

17 day? 13:57

18 MR. FRANKLIN: Vague and ambiguous. 13:57

19 THE WITNESS: I spoke to the police on 13:57

20 February 13th, yes. 13:57

21 BY MS. HEWITT: 13:57

22 Q So when did you speak to them? 13:57

23 A I, you know, after I made it up the trail, 13:57

24 I saw a police car parked on the bluff and I 13:58

25 approached them immediately, I was in tears, and I 13:58

1 told them what had happened down there. 13:58

2 Q Okay. And what did the police officer do? 13:58

3 A He -- he listened to what I had to say 13:58

4 and, you know, I don't remember the exact sequence 13:58

5 of events. I know he eventually took a report. I 13:58

6 don't know if he took the report or if someone else 13:58

7 took a report but I know a report was taken, and I 13:58

8 know that at one point a police officer escorted me 13:58

9 back down the trail to try and see if those 13:58

10 individuals were still down there and try to 13:58

11 identify them. 13:58

12 Q Do you remember how many police officers 13:58

13 there were? 13:58

14 A I don't, no. 13:58

15 Q Do you remember at some point there being 13:59

16 three or four? 13:59

17 A I don't remember the amount. 13:59

18 Q All right. Did you ask the police officer 13:59

19 to do anything specific? 13:59

20 A What I remember is I remember telling them 13:59

21 what happened and I remember filing the report and I 13:59

22 remember going down there to try and identify the 13:59

23 individual. 13:59

24 Q And were you able to -- I'm sorry I 13:59

25 interrupted you? 13:59

| | | | |
|----|-------------------|--|-------|
| 1 | A | No, no problem. | 13:59 |
| 2 | | He wasn't down there when we went down | 13:59 |
| 3 | | there; all we found was a broken board that | 13:59 |
| 4 | | resembled the board that I had seen him use. | 13:59 |
| 5 | Q | Did you go back down to the fort? | 13:59 |
| 6 | A | I went back down there with the police. | 13:59 |
| 7 | Q | Were there people in the fort still? | 13:59 |
| 8 | A | There were some people in the fort, | 13:59 |
| 9 | | Charlie was down there as well. | 13:59 |
| 10 | Q | How do you know that was Charlie? | 13:59 |
| 11 | A | Because the police said, "Hi, Charlie" and | 13:59 |
| 12 | | apparently the police said that he knew him. | 14:00 |
| 13 | Q | Okay. | 14:00 |
| 14 | MS. HEWITT: | What time is it? Where are | 14:00 |
| 15 | | we at? Are we at 3:30? | 14:00 |
| 16 | MR. FRANKLIN: | I have 3:31, but -- | 14:00 |
| 17 | THE VIDEOGRAPHER: | Yes, that's probably | 14:00 |
| 18 | | it. | 14:00 |
| 19 | MS. HEWITT: | We're concluding. | 14:00 |
| 20 | THE VIDEOGRAPHER: | Okay. This concludes | 14:00 |
| 21 | | Volume 1 deposition of Ms. Diana Milena Reed, we are | 14:00 |
| 22 | | off the record at 2:00 o'clock. | 14:00 |
| 23 | | (Whereupon the deposition was concluded at | |
| 24 | | 2:00 p.m.) | |

(DECLARATION UNDER PENALTY OF PERJURY ON
THE FOLLOWING PAGE HEREOF.)

I, DIANA MILENA REED, do solemnly declare
under penalty of perjury that the foregoing is my
deposition under oath; that these are the questions
asked of me and my answers thereto; that I have read
same and have made the necessary corrections,
additions, or changes to my answers that I deem
necessary.

It witness thereof, I hereby subscribe my
name this day of _____, 2016.

WITNESS SIGNATURE

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand
Reporter of the State of California do hereby
certify:

That the foregoing proceedings were taken
before me at the time and place herein set forth;
that any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath; that a
verbatim record of the proceedings was made by me
using machine shorthand which was thereafter
transcribed under my direction; further, that the
foregoing is an accurate transcription thereof.

That before completion of the deposition, a
review of the transcript [x] was [] was not
requested. I further certify that I am neither
financially interested in the action nor a relative
or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: November 3, 2016

A handwritten signature in black ink, appearing to read 'JR', with a long horizontal stroke extending to the right.

Jimmy Rodriguez, RPR

Certificate Number 13464

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
2:16-cv-02129-SJO-RAO
Plaintiffs,)
vs.)
LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II
Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
2:16-cv-02129-SJO-RAO
Plaintiffs,)
vs.)
LUNADA BAY BOYS, et al.,)
Defendants.)
_____)

Videotaped deposition of DIANA MILENA REED, Volume II,
taken before Jimmy Rodriguez, a Certified Shorthand
Reporter for the State of California, with principal
office in the County of Orange, commencing at 9:24 a.m.,
Tuesday, October 25, 2016 at Premier Business Centers -
The Water Garden, 2425 Olympic Boulevard, Suite 4000,
Santa Monica, California.

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9 JAMES KORALEK, Videographer
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I N D E X

| EXAMINATIONS | PAGE |
|--------------------|------|
| BY MS. HEWITT | 194 |
| BY MR. DIEFFENBACH | 294 |
| BY MR. FIELDS | 343 |
| BY MR. CAREY | 351 |
| BY MS. LUTZ | 365 |
| BY MR. HAVEN | 369 |

E X H I B I T S

| Exhibit | Description | PAGE |
|------------|--------------------------------|------|
| Exhibit 51 | Proof of Service of Diana Reed | 243 |
| Exhibit 52 | Request For Entry of Default | 243 |
| Exhibit 53 | documents and flash drive | 373 |

WITNESS INSTRUCTED NOT TO ANSWER

(None)

INFORMATION REQUESTED

| PAGE | LINE |
|------|------|
| 331 | 7 |

1 Tuesday, October 25, 2016, 9:24 a.m.

2 Santa Monica, California

3 09:20

4 THE VIDEOGRAPHER: Good morning, we are on 09:24

5 the record at 9:24 a.m. on October 25th, 2016. This 09:24

6 is the video recorded deposition of Diana Milena 09:24

7 Reed, Volume 2. My name is James Koralek here with 09:24

8 our court reporter, Jimmy Rodriguez, we are here 09:24

9 from Veritext Legal Solutions by the request of the 09:24

10 defendant. 09:25

11 This deposition is being held at Premier 09:25

12 Business Center, 2425 Olympic Boulevard, Suite 4000, 09:25

13 in Santa Monica, 90404. The caption of the case is 09:25

14 Spencer, et al., versus Lunada Bay Boys, et al. 09:25

15 Case number 2:16-CV-02129-SJO-RAO. 09:25

16 Please note that audio and video recording 09:25

17 will take place unless all parties agree to go off 09:25

18 the record. 09:25

19 Microphones are sensitive and may pick up 09:25

20 whispers and private conversations and cellular 09:25

21 interference. I'm not authorized to administer an 09:25

22 oath, I'm not related to any party in this action, 09:25

23 nor am I financially interested in the outcome in 09:25

24 any way. 09:25

25 If there are any objections to proceeding, 09:25

Page 193

1 please state them at the time of your appearance 09:26
2 beginning with the noticing attorney. 09:26
3 09:26
4 EXAMINATION 09:26
5 BY MS. HEWITT: 09:26
6 Q Ms. Reed, do you understand that you're 09:26
7 still under oath today? 09:26
8 A Yes. 09:26
9 MS. HEWITT: All right. Let's get a quick 09:26
10 rundown of who's here today. 09:26
11 Antoinette Hewitt for the City and for 09:26
12 Chief Kepley. 09:26
13 MR. DIEFFENBACH: Richard Dieffenbach for 09:26
14 Brant Blakeman, defendant. 09:26
15 MS. VU: Jackie Vu for Defendant Sang Lee. 09:26
16 MS. LUTZ: Tera Lutz for Defendant 09:26
17 Sang Lee. 09:26
18 MR. FIELDS: Mark Fields for Angelo 09:26
19 Ferrara and NF. 09:26
20 MR. HAVEN: Peter Haven for Michael 09:26
21 Papayans. 09:26
22 MR. CAREY: Pat Carey for Defendant Alan 09:26
23 Johnston. 09:26
24 MR. FRANKLIN: Kurt Franklin on behalf of 09:26
25 Diana Milena Reed and the other plaintiffs in this 09:26

Page 194

1 And is Ada, A-d-a? 09:34

2 A Yes. 09:34

3 Q And you mentioned social media sites, what 09:34

4 social media sites are you referring to? 09:34

5 A I haven't been super active on very many 09:34

6 of them since going through the divorce because it's 09:34

7 just been very emotionally tolling on me. But 09:34

8 Instagram and Facebook mostly is what I use, 09:34

9 sometimes Twitter. And I don't typically use my 09:34

10 last name on those sites, which is for 09:35

11 confidentiality. 09:35

12 Q How about MySpace, do you have a MySpace 09:35

13 page or account? 09:35

14 A I did when I was a kid, I have no idea if 09:35

15 it's still up or not; I didn't know if anyone still 09:35

16 uses it. But they might. 09:35

17 Q How about Snapchat? 09:35

18 A I think I had one at some point. But I 09:35

19 never really -- I never really liked it so I didn't 09:35

20 keep using it. 09:35

21 Q Okay. Let's go back a little bit to a 09:35

22 couple things from yesterday that I needed to 09:35

23 clarify. 09:35

24 Going back to the February 13th event, 09:35

25 Ms. Reed, when you were in the fort and there were 09:35

1 other people in there including Jen, do you recall 09:35
2 Jen? 09:35
3 A Yes, which date are we referring to? 09:36
4 Q February 13th. 09:36
5 A Okay. 09:36
6 Q All right? 09:36
7 I think you told me yesterday that you 09:36
8 wanted to call the police but that you got no cell 09:36
9 signal; is that correct? 09:36
10 A Hmm-mm. 09:36
11 Q Yes? 09:36
12 A Yes. 09:36
13 Q Why were you trying to call the police? 09:36
14 A I wanted to call the police because I was, 09:36
15 you know, I felt threatened and scared and I mean, I 09:36
16 felt like anything could happen. I was extremely 09:36
17 uncomfortable in the situation. 09:36
18 Q If you had gotten through to the police, 09:36
19 what did you intend to tell them? 09:36
20 A I just intended to tell them, you know, 09:36
21 what had happened. 09:36
22 Q Were you going to ask for help? 09:36
23 A Yes. 09:36
24 Q What kind of help would you ask for? 09:36
25 A For them to -- to come down to the fort 09:36

Page 203

1 and make sure nothing happens to me, and I was going 09:36
2 to tell them about the incident with the beer being 09:36
3 sprayed on me and, you know, just have them help me. 09:37
4 Q Did you want them to escort you back up or 09:37
5 did you want them to stay with you down at the fort? 09:37
6 A I don't think I contemplated that. I just 09:37
7 wanted someone to help, whatever that means. 09:37
8 Q Did you want to leave? 09:37
9 A I'm sure I did. I don't know. 09:37
10 Q At the same time, when you were -- this 09:37
11 time when you were in the fort, did you witness any 09:37
12 harassment towards Jen? 09:37
13 A I did, yes. 09:37
14 Q What did you witness? 09:37
15 A I witnessed Mr. Johnston moaning towards 09:37
16 her, oscillating his body in a sexual manner, you 09:37
17 know, other things, but it's hard for me to remember 09:38
18 because I was mostly focused on what was happening 09:38
19 to me and I was so scared that I, you know, I wasn't 09:38
20 thinking very clearly. 09:38
21 Q What you said right now as to what you 09:38
22 witnessed -- the harassment you witnessed towards 09:38
23 Jen, is that separate and apart from any actions 09:38
24 that Mr. Johnston did towards you if, in fact, he 09:38
25 did any? 09:38

1 was calling, you know, one of the attempts to come 11:19
2 in to identify the photos. 11:19
3 Q Okay. 11:19
4 A The suspects. 11:19
5 Q Did you say that was a female that you 11:19
6 talked to then? 11:19
7 A No, it was not a female. 11:19
8 Q Do you recall the name of that person now 11:19
9 who told you that? 11:19
10 A I don't unfortunately. I remember it was 11:19
11 a man but I don't remember his name. 11:19
12 Q Did you ever tape record or record in any 11:19
13 way any conversations you had with anybody at the 11:19
14 City of Palos Verdes Estates? 11:19
15 A No. 11:19
16 Q Did anybody who was with you as far as you 11:19
17 know ever tape record or record any conversations 11:19
18 that were had with anybody at the City of 11:19
19 Palos Verdes Estates Police Department? 11:20
20 A Not that I know of, no. 11:20
21 Q Who recorded the conversation that you 11:20
22 provided to us today with Ferrara? 11:20
23 A My phone. 11:20
24 Q Did you ask Mr. Ferrara if it was okay to 11:20
25 record? 11:20

1 MR. FRANKLIN: Vague and ambiguous. 11:20

2 THE WITNESS: I did not ask Mr. Ferrara if 11:20

3 it was okay to record because he was recording me as 11:20

4 well. 11:20

5 BY MS. HEWITT: 11:20

6 Q Okay. Okay. Following the conversation 11:20

7 with Chief Kepley, did you have any expectation of 11:20

8 further action that was going to be taken? 11:20

9 A Following the conversation? 11:20

10 Q (Nods head.) 11:20

11 A Yeah, I assumed that I would be able to 11:20

12 finally try and identify those individuals. 11:20

13 Q Okay. And were you able to do that? 11:20

14 A Eventually, yeah, after calling repeated 11:20

15 times, after meeting with Mr. Kepley, eventually I, 11:21

16 you know -- I don't know how I found out about it if 11:21

17 it was through my attorneys or if someone contacted 11:21

18 me directly, but eventually I came in to identify 11:21

19 the suspects, yes. Just one of them. 11:21

20 Q Okay. So the answer was "yes"? 11:21

21 MR. FRANKLIN: Vague as to time. 11:21

22 THE WITNESS: The answer was that 11:21

23 eventually, yes, I was provided with the opportunity 11:21

24 to identify one of the suspects. 11:21

25 ///

1 Q What specifically was done or did you see 12:34
2 that caused you to believe that? 12:34

3 A The fact that when they entered the fort 12:34
4 it seemed like all of their actions were 12:34
5 orchestrated, they immediately rushed towards me. 12:34
6 Johnston immediately opened the can of beer and, you 12:34
7 know, sprayed it on me and on my camera in what I 12:34
8 believe they intended to appear as an accident but 12:34
9 to me it felt very intentional. 12:34

10 The way that, you know, he was -- he was 12:34
11 filming Johnston as though it was like a planned 12:34
12 performance it seemed like, you know. The fact that 12:34
13 he was holding the camera just right, right next to 12:35
14 my face in a way that made me feel threatened or 12:35
15 intimidated. 12:35

16 Q Go ahead. 12:35

17 A A lot of the actions at Lunada Bay between 12:35
18 the locals all appeared to be orchestrated based on 12:35
19 what I've seen and what I've heard in the surf 12:35
20 community. 12:35

21 Q Can you give me any specifics as to why 12:35
22 you thought the February 13th episode was 12:35
23 orchestrated or scripted or somehow created by 12:35
24 Mr. Blakeman or with his direction? 12:35

25 A I don't know who planned it. I don't know 12:35

1 who planned it but it appeared that they were 12:35
2 following a very distinct plan to try to intimidate 12:35
3 me and try to ruin my camera. 12:35
4 Q Can you give me any specifics as to why 12:35
5 you think that? 12:35
6 A I think that because of the way that that 12:35
7 the actions unfolded that I just described. 12:36
8 Q Were you in the fort and they came to the 12:36
9 fort? 12:36
10 A Yes. 12:36
11 Q And were you there with anyone else? 12:36
12 A Jen was there as well. 12:36
13 Q Anyone else? 12:36
14 A Charlie may have been there sitting on the 12:36
15 roof. 12:36
16 Q Charlie Ferrara? 12:36
17 A Yes. 12:36
18 Q Anyone else? 12:36
19 A I think that was it. 12:36
20 Q And how close were you and Jen together to 12:36
21 each other when Mr. Blakeman came to -- 12:36
22 A I don't remember specifically, probably 12:36
23 about as close as me and the lady with the red 12:36
24 flowers. 12:36
25 Q So ten feet maybe, eight feet? 12:36

1 A Maybe. I mean, it's hard for me to say, 12:36
2 but I mean, we weren't -- 12:36
3 MR. FRANKLIN: Five feet. 12:36
4 MR. DIEFFENBACH: Five feet, okay. 12:36
5 THE WITNESS: Maybe five feet. I mean, I 12:36
6 remember she wasn't right next to me. 12:36
7 BY MR. DIEFFENBACH: 12:36
8 Q How far was Mr. Charlie Ferrara from 12:36
9 where you and Jen -- 12:36
10 A Charlie was sitting on the roof. 12:37
11 Q Okay. 12:37
12 A Not of the bluff, but of the fort. 12:37
13 Q Were you near him? 12:37
14 A I wasn't on the roof, no, so I wasn't near 12:37
15 him. 12:37
16 Q How many feet between you and Charlie? 12:37
17 A Again, it's hard for me to estimate 12:37
18 because I haven't been to the fort in some time, but 12:37
19 I know our relative locations. You know, he was on 12:37
20 the fort on the roof, and I was towards the end 12:37
21 where there's like a little carved seating area. 12:37
22 Q The patio is there, whatever it is? 12:37
23 A Yeah, kind of near the back table. 12:37
24 Q Was Charlie closer to you or farther away 12:37
25 from you than you were to Jen? 12:37

| | | | |
|----|---|---|-------|
| 1 | A | I don't remember that. | 12:37 |
| 2 | Q | From which direction did Mr. Blakeman | 12:37 |
| 3 | | enter the scene? | 12:37 |
| 4 | A | They -- Mr. Blakeman and Mr. Johnston both | 12:37 |
| 5 | | entered through the entrance. There's only one | 12:37 |
| 6 | | entrance that I know of to the fort. | 12:37 |
| 7 | Q | Which is on the north end? | 12:37 |
| 8 | A | I don't know which direction it faces. | 12:38 |
| 9 | Q | The end towards Malibu? | 12:38 |
| 10 | A | I would have to look at a map, I don't | 12:38 |
| 11 | | have a compass in front of me. But there's only one | 12:38 |
| 12 | | entrance that I know of. | 12:38 |
| 13 | Q | Describe for me what -- how it unfolded, | 12:38 |
| 14 | | how your encounter with him, Mr. Blakeman, unfolded | 12:38 |
| 15 | | at that time. | 12:38 |
| 16 | A | Again, it's hard for me to remember the | 12:38 |
| 17 | | specific details, but I'll do my best to tell you | 12:38 |
| 18 | | what I remember. | 12:38 |
| 19 | Q | Okay. That would be great. | 12:38 |
| 20 | A | I do remember being very startled by them | 12:38 |
| 21 | | entering because I didn't see them walking down the | 12:38 |
| 22 | | pathway. I don't know if that means that I was | 12:38 |
| 23 | | facing away from them. There's a possibility I was | 12:38 |
| 24 | | and I was facing the ocean. I don't recall if I was | 12:38 |
| 25 | | taking photos at the time because I think my camera | 12:38 |

1 video, but I think forgot to just mark what you gave 14:04
2 to us. 14:04

3 Can I just mark it as Exhibit -- whatever 14:04
4 is next in order, that and the flash drive. 14:04

5 (Deposition Exhibit 53, documents and
6 flash drive, was marked for
7 identification.)

8
9 (Whereupon the deposition was concluded at
10 2:04 p.m.)

11
12 (DECLARATION UNDER PENALTY OF PERJURY ON
13 THE FOLLOWING PAGE HEREOF.)

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I, DIANA MILENA REED, do solemnly declare under penalty of perjury that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

It witness thereof, I hereby subscribe my name this day of _____, 2016.

WITNESS SIGNATURE

Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand
Reporter of the State of California do hereby
certify:

That the foregoing proceedings were taken
before me at the time and place herein set forth;
that any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath; that a
verbatim record of the proceedings was made by me
using machine shorthand which was thereafter
transcribed under my direction; further, that the
foregoing is an accurate transcription thereof.

That before completion of the deposition, a
review of the transcript [x] was [] was not
requested. I further certify that I am neither
financially interested in the action nor a relative
or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: November 7, 2016

A handwritten signature in black ink, appearing to read 'JR', with a long horizontal stroke extending to the right.

Jimmy Rodriguez, RPR

Certificate Number 13464

Exhibit N

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8 Attorneys for Defendants
9 Angelo Ferrara and N.F.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
12

13 CORY SPENCER, an individual;
14 DIANA MILENA REED, an
15 individual; and COASTAL
16 PROTECTION RANGERS, INC., a
17 California non-profit public benefit
18 corporation;

19 Plaintiffs,

20 v.

21 LUNADA BAY BOYS; THE
22 INDIVIDUAL MEMBERS OF THE
23 LUNADA BAY BOYS, including but
24 not limited to SANG LEE, BRANT
25 BLAKEMAN, ALAN JOHNSTON aka
26 JALIAN JOHNSTON, MICHAEL
27 RAE PAPAYANS, ANGELO
28 FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
– 10,

Defendants.

Case No. 2:16-cv-2129-SJO (RAOx)
The Hon. S. James Otero, Ctrm. 10C

**DECLARATION OF LEO FRANK
FERRARA**

Action Commenced: 3/29/2016
Trial Date: 11/7/2017

DECLARATION OF LEO FRANK FERRARA

FERRARA00001

2136294520

02:03:28 p.m. 04-14-2017

3/3

DECLARATION OF LEO FRANK FERRARA

I, Leo Frank Ferrara, declare:

1. The facts set forth in this declaration are personally known to me and I have first-hand knowledge of them. I am twenty-one years old, and not a party to this action. If called as a witness to testify, I could and would testify competently to the same.

2. I have listened to the audio recording of a conversation between Plaintiff Diana Milena Reed and a person who she has mistakenly identified as my cousin, Charlie Ferrara. I am the person whom Ms. Reed is speaking to during that conversation.

3. Ms. Reed made the audio recording of my conversation with her surreptitiously and without my consent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th of April, 2017, at Palos Verdes Estates, California.


LEO FRANK FERRARA

Exhibit O

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

N.F.

IRVINE, CALIFORNIA

JULY 6, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A32

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4 - - -

5 CORY SPENCER, AN INDIVIDUAL;)
6 DIANA MILENA REED, AN)
7 INDIVIDUAL; AND COASTAL)
8 PROTECTION RANGERS, INC.,)
9 A CALIFORNIA NON-PROFIT PUBLIC)
10 BENEFIT CORPORATION,)

11 Plaintiffs,)

12 vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

11 LUNADA BAY BOYS; THE INDIVIDUAL)
12 MEMBERS OF THE LUNADA BAY BOYS,)
13 INCLUDING BUT NOT LIMITED TO)
14 SANG LEE, BRANT BLAKEMAN, ALAN)
15 JOHNSTON AKA JALIAN JOHNSTON,)
16 MICHAEL RAE PAPAYANS, ANGELO)
17 FERRARA, FRANK FERRARA,)
18 CHARLIE FERRARA, ET AL.,)

19 Defendants.)
20 - - - - -)

21 Videotaped deposition of N.F., taken on
22 behalf of the Plaintiffs, at Premier Business Center,
23 2600 Michelson Drive, Suite 1700, Irvine, California,
24 92612, commencing at 9:53 a.m., Thursday, July 6, 2017,
25 before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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18
19
20 ALSO PRESENT:

21 Joseph Aldo Bussino, Videographer
22
23
24
25

I N D E X

WITNESS: N.F.

EXAMINATION: PAGE

By MS. WOLFF 9

EXHIBITS

| NUMBER | PLAINTIFF'S DESCRIPTION | PAGE |
|--------|---|------|
| 265 | Plaintiffs' Notice of Deposition of Defendant N.F. Dated June 15, 2017 Consisting of six pages | 14 |

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE LINE

13 10

INFORMATION TO BE SUPPLIED:

PAGE LINE

(NONE)

1 IRVINE, CALIFORNIA, THURSDAY, JULY 6, 2017

2 9:53 A.M.

3 -000-

4 09:52:46

5 THE VIDEOGRAPHER: Good morning. My name is 09:53:05

6 Joseph Aldo Bussino, your videographer. And I 09:53:07

7 represent Atkinson-Baker, Incorporated in Glendale, 09:53:11

8 California. 09:53:13

9 I'm a Certified Legal Video Specialist and 09:53:14

10 Notary Public. I'm not financially interested in 09:53:16

11 this action nor am I a relative or an employee of any 09:53:19

12 of the attorneys or any of the parties. 09:53:23

13 Today's date is July 6th, 2017. And the time 09:53:25

14 on the video monitor is approximately 9:53 a.m. 09:53:31

15 The deposition is taking place at the 09:53:36

16 Premiere Business Center, 2600 Michelson Drive, 09:53:38

17 Suite 1700, Irvine, California, 92612. 09:53:43

18 The case number is 2:16-cv-02129-SJO (RAOx) 09:53:48

19 entitled Corey Spencer, et al., versus Lunada Bay 09:54:01

20 Boys, et al. The deponent is N.F. 09:54:06

21 The deposition is taken on behalf of 09:54:11

22 Plaintiffs' counsel. And your court reporter this 09:54:13

23 morning is Angelique Ferrio, also representing 09:54:16

24 Atkinson-Baker, Incorporated. 09:54:19

25 Would all counsel present in the room please 09:54:22

| | | |
|----|--|----------|
| 1 | introduce yourselves for the record and state whom | 09:54:25 |
| 2 | you represent. | 09:54:27 |
| 3 | MS. WOLFF: Good morning, Samantha Wolff from | 09:54:28 |
| 4 | Hanson Bridgett representing the Plaintiffs. | 09:54:31 |
| 5 | MS. SERRATO: Courtney Serrato representing | 09:54:33 |
| 6 | Defendants Charlie Ferrara and Frank Ferrara. | 09:54:35 |
| 7 | MR. WARD: Edward Ward, Junior, on behalf of | 09:54:37 |
| 8 | Sang Lee. | 09:54:40 |
| 9 | MS. HEWITT: Antoinette Hewitt for the City | 09:54:41 |
| 10 | and for Chief Kepley. | 09:54:43 |
| 11 | MR. CAREY: Pat Carey for Alan Johnston. | 09:54:44 |
| 12 | MR. FIELDS: Mark Fields for Angela Ferrera | 09:54:48 |
| 13 | and N.F. | 09:54:51 |
| 14 | THE VIDEOGRAPHER: Would counsel on the phone | 09:54:52 |
| 15 | please identify yourselves for the record. | 09:54:54 |
| 16 | MR. COOPER: Robert Cooper on behalf of | 09:54:58 |
| 17 | Defendant Brant Blakeman. | 09:55:00 |
| 18 | MR. MORRIS: Jeff Morris also on behalf of | 09:55:02 |
| 19 | Brant Blakeman. | 09:55:06 |
| 20 | MS. VU: Jackie Vu on behalf of Sang Lee. | 09:55:08 |
| 21 | THE VIDEOGRAPHER: Would the court reporter | 09:55:12 |
| 22 | please swear in the witness. | 09:55:13 |
| 23 | N.F., | 09:55:13 |
| 24 | having first been duly sworn, was | 09:55:13 |
| 25 | examined and testified as follows: | 09:55:13 |

| | | |
|----|--|----------|
| 1 | EXAMINATION | 09:55:13 |
| 2 | | 09:55:25 |
| 3 | BY MS. WOLFF: | 09:55:25 |
| 4 | Q. Good morning. Are you represented today by | 09:55:31 |
| 5 | counsel? | 09:55:34 |
| 6 | A. Yes. | 09:55:34 |
| 7 | Q. Who is that? | 09:55:34 |
| 8 | A. Mark Fields. | 09:55:35 |
| 9 | Q. Anyone else? | 09:55:35 |
| 10 | A. No. | 09:55:36 |
| 11 | Q. Can you state your name for the record, | 09:55:36 |
| 12 | please. | 09:55:38 |
| 13 | A. N.F. | 09:55:38 |
| 14 | Q. And how old are you today? | 09:55:39 |
| 15 | A. 18. | 09:55:41 |
| 16 | Q. When was your birthday? | 09:55:41 |
| 17 | A. May 18, 1999. | 09:55:43 |
| 18 | Q. When this lawsuit was first filed in March of | 09:55:51 |
| 19 | 2016, you were under the age of 18? | 09:55:55 |
| 20 | A. Yes. | 09:55:57 |
| 21 | Q. You're referred to in this case frequently as | 09:55:57 |
| 22 | N.F.; right? | 09:56:01 |
| 23 | A. Yes. | 09:56:02 |
| 24 | MS. WOLFF: So, I'll ask that the transcript | 09:56:02 |
| 25 | refer to you only as N.F. and omit all references to | 09:56:04 |

1 Diana Reed, had a conversation at Lunada Bay with one 13:40:52
2 of the guys who regularly surfs down there. 13:40:55

3 She says it was with Charlie Ferrera, but 13:40:57
4 we've heard that your brother has also taken credit 13:41:00
5 for it. So, I'm going to play you a short clip and 13:41:03
6 ask you some questions about it. 13:41:07

7 A. Okay. 13:41:09

8 MR. FIELDS: And I'll object that I believe 13:41:09
9 that recording was illegally recorded. We're going 13:41:15
10 to be making a motion in limine. 13:41:18

11 So, subject to that, you can ask the 13:41:21
12 questions that you like. 13:41:24

13 MS. WOLFF: Actually, I don't need the 13:41:27
14 content of the video. I don't think that it's 13:41:29
15 necessary. 13:41:36

16 MR. FIELDS: Is that video or audio? 13:41:55

17 MS. WOLFF: There's no audio. 13:41:58

18 MR. FIELDS: This whole line of questioning 13:42:01
19 is subject to objection and that it's illegally 13:42:02
20 recorded. 13:42:05

21 13:42:12

22 (Discussion held off the record.) 13:42:12

23 13:45:06

24 MS. WOLFF: It was produced as bates 13:45:06

25 Plaintiff or it's PLTF 002027. 13:45:07

| | | |
|----|---|----------|
| 1 | BY MS. WOLFF: | 13:45:13 |
| 2 | Q. Does that voice sound familiar to you? | 13:45:13 |
| 3 | A. Yeah. | 13:45:15 |
| 4 | Q. Who do you think that is? | 13:45:15 |
| 5 | A. My brother. | 13:45:17 |
| 6 | Q. Leo? | 13:45:17 |
| 7 | A. Yeah. | 13:45:18 |
| 8 | Q. You don't think that's Charlie? | 13:45:19 |
| 9 | A. No. | 13:45:20 |
| 10 | Q. And so Leo says, essentially, that everyone | 13:45:21 |
| 11 | gets the wrong vibe because that's the hazing. It's | 13:45:26 |
| 12 | like a fraternity. | 13:45:28 |
| 13 | Do you agree that the group of surfers at | 13:45:29 |
| 14 | Lunada Bay is like a fraternity? | 13:45:32 |
| 15 | A. I don't think that it's like a fraternity. | 13:45:35 |
| 16 | I've never been to a fraternity. I don't think that | 13:45:38 |
| 17 | it's like a fraternity. I've heard how fraternities | 13:45:38 |
| 18 | are. | 13:45:45 |
| 19 | Q. And do you disagree with him that there's | 13:45:45 |
| 20 | hazing? | 13:45:48 |
| 21 | A. I've never had hazing. I've never seen | 13:45:48 |
| 22 | anybody get hazed. It's kind of different how | 13:45:52 |
| 23 | people -- | 13:45:54 |
| 24 | MR. FIELDS: You've answered the question. | 13:45:55 |
| 25 | THE WITNESS: Yeah. | 13:45:56 |

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MR. FIELDS: Copy

MR. MORRIS: Copy.

MR. CAREY: Copy.

(Whereupon, the deposition of
N.F. commenced at 9:53 a.m.
and concluded at 2:35 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
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20 N.F.
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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 6th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

N. F.
July 6, 2017

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of N.F., taken on
Thursday, July 6, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 6th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

N. F.
July 6, 2017

Exhibit P

**VIDEO TO FOLLOW BY MAIL AND
LODGED WITH THE COURT**

**VIDEO TO FOLLOW BY MAIL AND
LODGED WITH THE COURT**

Exhibit Q

630
178.174
728



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Cory Spencer vs. Lunada Bay Boys

Transcript Testimony of Angelo Ferrara

Date: 10/28/2016

Job #: 601946

TRAVEL TRANSCRIPT

Court Reporting – Videoconferencing – Trial Presentation – Nationwide Networking

Hermosa Beach - Irvine - Riverside - San Diego - Las Vegas

Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

1

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3

UNITED STATES DISTRICT COURT

4

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

5

6

CORY SPENCER, and individual;)

DIANA MILENA REED, an individual;)

7

And COASTAL PROTECTION RANGERS, INC.,)

a California non-profit public)

8

benefit corporation,)

9

Plaintiffs,)

10

vs.)

No. 2:16-cv-

11

LUNADA BAY BOYS; THE INDIVIDUAL)

02129-SJO

MEMBERS OF THE LUNADA BAY BOYS,)

(RAOx)

12

including but not limited to)

SANG LEE, BRANT BLAKEMAN,)

13

ALAN JOHNSTON AKA JALIAN JOHNSTON,)

MICHAEL RAE PAPAYANS, ANGELO FERRARA,)

14

FRANK FERRARA, CHARLIE FERRARA, and)

N.F.; CITY OF PALOS VERDES ESTATES,)

15

CHIEF OF POLICE JEFF KEPLEY in his)

representative capacity and DOES)

16

1-10,)

17

Defendants.)

18

19

20

DEPOSITION OF ANGELO FERRARA, a witness herein,

21

noticed by OTTEN LAW, PC, at 736 Fourth Street,

22

Hermosa Beach, California, at 9:24 a.m., on Friday,

23

October, 28th, 2016, before Ayu Sasao, CSR 14093.

24

25

Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

1 APPEARANCES OF COUNSEL:

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Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

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11

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Cory Spencer vs. Lunada Bay Boys

1 Los Angeles, California 90071

2

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4 HAVEN LAW

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13 601 South Figueroa Street, Suite 4200

14 Los Angeles, California 90071

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16 For Defendants, CHARLIE FERRARA and FRANK FERRARA:

17 BREMER WHYTE BROWN & O'MEARA, LLP

18 BY LAURA L. BELL

19 21271 Burbank Boulevard, Suite 110

20 Woodland Hills, California 91367

21

22 Also Present: Randy Baldwin, Videographer

23

24

25

Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

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I N D E X

WITNESS: ANGELO FERRARA
EXAMINATION BY: MR. OTTEN PAGE 8

E X H I B I T S

| PLAINTIFF | DESCRIPTION | PAGE |
|-------------|---|------|
| EXHIBIT 100 | FIRST AMENDED COMPLAINTS FOR DAMAGES | 10 |
| EXHIBIT 101 | LETTER | 24 |
| EXHIBIT 102 | PHOTOGRAPH | 63 |
| EXHIBIT 103 | SKETCH | 74 |
| EXHIBIT 104 | SKETCH | 74 |
| EXHIBIT 105 | PHOTOGRAPH | 95 |
| EXHIBIT 106 | DOCUMENTS | 121 |
| EXHIBIT 107 | PHOTOGRAPH | 130 |
| EXHIBIT 108 | PHOTOGRAPH | 131 |
| EXHIBIT 109 | PHOTOGRAPH | 134 |
| EXHIBIT 110 | PHOTOGRAPH | 138 |
| EXHIBIT 111 | PHOTOGRAPH | 144 |
| EXHIBIT 112 | PHOTOGRAPH | 144 |
| EXHIBIT 113 | PHOTOGRAPH | 144 |
| EXHIBIT 114 | PHOTOGRAPH | 145 |
| EXHIBIT 115 | PHOTOGRAPH | 147 |
| EXHIBIT 116 | PHOTOGRAPH | 149 |

Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

| | | | |
|----|-------------|------------|-----|
| 1 | EXHIBIT 117 | DOCUMENT | 162 |
| 2 | EXHIBIT 118 | DOCUMENTS | 164 |
| 3 | EXHIBIT 119 | PHOTOGRAPH | 185 |
| 4 | EXHIBIT 120 | FACSIMILE | 203 |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
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Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

1 THE VIDEOGRAPHER: Good morning. My name is Randy
2 Baldwin. I am a video technician networking with Sousa
3 Court Reporters located in Hermosa Beach, California.
4 This is the video deposition of Angelo Ferrara
5 beginning at 9:24 a.m., October 28, 2016, in the matter
6 of the Cory Spencer et al. versus Lunada Bay Boys et al.
7 This case is in the U.S. District Court for the Central
8 District of California, Western Division. The case
9 number of which is 2:16-cv-02129-SJO (ROAx).
10 This deposition is taking place at Sousa Court
11 Reporters located at 736 Fourth Street, Hermosa Beach,
12 California, and is being taken on behalf of the
13 Defendants -- I'm sorry -- the Plaintiffs.
14 May we please have introductions beginning with the
15 witness.
16 THE WITNESS: Angelo Ferrara.
17 MR. FIELDS: I'm Mark Fields, counselor for Angelo
18 Ferrara and NF.
19 MR. HAVEN: Peter Haven for defendant
20 Michael Papayans.
21 MS. LEE: Jackie Vu for defendant Sang Lee.
22 MS. LUTZ: Tera Lutz for defendant Sang Lee.
23 MR. SONG: David Song representing the City of Palos
24 Verdes Estates in this case and Chief Kepley.
25 MR. WORGUL: John Worgul for defendant

Page 7

1 Brant Blakeman.
2 MS. TEKCHANDANI: Kavita Tekchandani for Plaintiffs.
3 MR. OTTEN: Victor Otten for the Plaintiffs.
4 THE VIDEOGRAPHER: Will the court reporter please
5 administer the oath.
6 ANGELO Ferrara,
7 a witness herein, having been sworn, testified as
8 follows:
9
10 -EXAMINATION-
11 BY MR. OTTEN:
12 Q. Can you state your full name for the record.
13 A. Angelo Ferrara.
14 Q. Angelo, have you ever had any nicknames?
15 A. No.
16 Q. And no nicknames that they have referred to you
17 out at the Bay?
18 A. No.
19 Q. And you understand when I say "the Bay," I'm
20 referring to Lunada Bay?
21 A. No.
22 Q. Well, for the purposes of the today's
23 deposition, if I say "the Bay," I'm referring to
24 Lunada Bay. Okay?
25 A. That's where I live.

Page 8

1 Q. What I'm saying is, if I say "the Bay," will you
2 understand me to be referring to Lunada Bay?
3 A. No.
4 Q. Okay. So then I'll say Lunada Bay every time.
5 All right?
6 A. Say it.
7 Q. Okay. So we'll be here a little bit longer.
8 What's your current address?
9 A. [REDACTED] Palos Verdes
10 Estates, California 90274.
11 Q. How long have you lived there?
12 A. Ten years, almost.
13 Q. Almost ten years?
14 A. Eight, nine years. So almost -- so close to
15 ten.
16 Q. Have you ever had your deposition taken before?
17 A. Never.
18 Q. Have you ever been sued before?
19 A. Never.
20 Q. You're not a party to a lawsuit right now other
21 than this one?
22 A. Nope.
23 Q. Yeah. I'm going to hand you a document that I'm
24 going to mark --
25 What -- does anyone know what exhibit numbers we're

Page 9

1 on?
2 MR. WORGUL: That's -- I was just going to ask you
3 what we ended on. I think we're trying to do blocks and
4 we ended in the 60s --
5 MS. LUTZ: -- 50s and I don't think --
6 MR. OTTEN: Does anyone here try cases because
7 this -- you know, I do and this is just ridiculous.
8 We're going to be sitting here doing a trial someday and
9 have exhibits all over the place. I mean --
10 MR. WORGUL: Vic, I do try cases and previously from
11 the depositions I was at -- I just wasn't at Reed's -- we had
12 blocked them and gone to a new numeric each time in the
13 tens. I just wasn't at Reed's so I can't tell you what
14 happened this past week.
15 BY MR. OTTEN: I'm just going to start at 100 then.
16 So I'm going to mark this as Exhibit No. 100.
17 (Whereupon the documents referred to are marked by
18 the reporter as Plaintiff Exhibits 100 for
19 identification.)
20 Mr. Ferrara, can you take a look at that.
21 THE WITNESS: Not me.
22 MR. FIELDS: Do you have a copy for me?
23 MR. OTTEN: Sure. I'll just pass them around.
24 THE WITNESS: Yeah, I know what you're showing me.
25 That's not me. That's my son. You asked if I was ever

Page 10

Angelo Ferrara

Cory Spencer vs. Lunada Bay Boys

1 MR. WORGUL: John Worgul on behalf of Brant
2 Blakeman. I'm doing the same. Please have a copy sent
3 in a PDF as well as a certified copy.
4 MS. LUTZ: Copy, please.
5 MS. VU: Jackie Vu. I'll take a copy.
6 MR. HAVEN: No, thank you.
7 MR. WORGUL: Are we still on the record right now?
8 I'd just like to put on the record that request that we
9 don't have a stipulated protective order on this case
10 yet, and I ask that all counsel agree that there'll be no
11 dissemination of the transcript or this video over the
12 next 30 days while we get a protective order in place.
13 So that should any party desire to mark any portions of
14 this transcript including the video, which I do intend to
15 mark the video as confidential to avoid disclosure to
16 media organizations, to not disclose the transcript to
17 anybody. If everyone would stipulate to that.
18 MR. OTTEN: Depo's over and I'm not stipulating to
19 anything.
20 MR. WORGUL: Okay. I made my record. I'm fine.
21 THE VIDEOGRAPHER: This concludes today's
22 proceedings. We are off the record. The time is 4:34
23 p.m.
24 (The proceedings concluded at 4:34 p.m.)
25 ***
Page 207

1 I declare under penalty of perjury under the laws of
2 the State of California that the foregoing is true and
3 correct.
4
5 Executed at _____, California,
6 on _____.
7
8
9 _____
10 ANGELO FERRARA
11
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Page 208

1 I, Ayu Sasao, CSR 14093, do hereby declare:
2 That, prior to being examined, the witness named in
3 the foregoing deposition was by me duly sworn pursuant to
4 Section 30(f)(1) of the Federal Rules of Civil Procedure
5 and the deposition is a true record of the testimony
6 given by the witness.
7 That said deposition was taken down by me in
8 shorthand at the time and place therein named and
9 thereafter reduced to text under my direction.
10 That the witness was requested to review the
11 transcript and make any changes to the
12 transcript as a result of that review
13 pursuant to Section 30(e) of the Federal
14 Rules of Civil Procedure.
15 No changes have been provided by the witness
16 during the period allowed.
17 The changes made by the witness are appended
18 to the transcript.
19 No request was made that the transcript be
20 reviewed pursuant to Section 30(e) of the
21 Federal Rules of Civil Procedure.
22 I further declare that I have no interest in the
23 event of the action.
24 I declare under penalty of perjury under the laws of
25 the United States of America that the foregoing is true
and correct.
WITNESS my hand this _____ day of _____
_____, _____
Ayu Sasao, CSR 14093
Page 209

Exhibit R

Atkinson-Baker Court Reporters
www.depo.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)
Plaintiffs,)

vs.

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)
Defendants.)

- - - - -

VIDEOTAPED DEPOSITION OF

FRANK FERRARA

IRVINE, CALIFORNIA

JULY 10, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A34

UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

- - - - -

Videotaped deposition of FRANK FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:46 a.m., Monday, July 10, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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AND CHRISTINA KIFLOM, Summer Intern
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AND CHIEF OF POLICE JEFF KEPLEY:

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34 VIDEOGRAPHER: ROBERT ADAMS

INDEX

WITNESS: FRANK FERRARA

| EXAMINATION BY: | PAGE |
|-----------------|------|
| MR. OTTEN | 12 |

EXHIBITS

| NUMBER | DESCRIPTION | PAGE |
|--------|---|------|
| 102 | Xeroxed Colored Photograph Consisting of one page | 44 |
| 108 | Xeroxed Colored Photograph Consisting of one page | 234 |
| 113 | Xeroxed Colored Photograph Consisting of one page | 76 |
| 114 | Xeroxed Colored Photograph Consisting of one page | 88 |
| 116 | Xeroxed Colored Photograph Consisting of one page | 242 |
| 119 | Xeroxed Colored Photograph Consisting of one page | 232 |
| 277 | Xeroxed Black-And White Photograph Consisting of one page | 72 |

| | | | |
|----|---------------------|----------------------------------|-----|
| 1 | EXHIBITS CONTINUED: | | |
| 2 | | | |
| 3 | 278 | Plaintiffs' Notice of Deposition | 20 |
| 4 | | of Defendant Frank Ferrara | |
| 5 | | Dated June 15, 2017 | |
| 6 | | Consisting of three pages | |
| 7 | 279 | Xeroxed Black-And White | 68 |
| 8 | | Photograph | |
| 9 | | Consisting of one page | |
| 10 | 280 | Xeroxed Black-And White | 75 |
| 11 | | Photograph | |
| 12 | | Consisting of one page | |
| 13 | 281 | Xeroxed Colored Photograph | 92 |
| 14 | | Consisting of one page | |
| 15 | 282 | Los Angeles Times | 117 |
| 16 | | Article Collections | |
| 17 | | Consisting of two pages | |
| 18 | 283 | Xeroxed Colored Photograph | 129 |
| 19 | | Consisting of one page | |
| 20 | 284 | Xeroxed Colored Photograph | 149 |
| 21 | | Consisting of one page | |
| 22 | 285 | Surf Magazine Article | 149 |
| 23 | | Consisting of one page | |
| 24 | 286 | Teach The Children Well | 169 |
| 25 | | Don Boller, Long Beach | |
| | | Consisting of one page | |

EXHIBITS CONTINUED:

| | | |
|-----|--|-----|
| 287 | Today's Lesson: Don't Be A Kook Frank Ferrara, Lunada Bay, Calif. Consisting of one page | 174 |
| 288 | Megan Barnes, Daily Breeze Posted 4/7/16, 7:50 p.m. Consisting of two pages | 212 |
| 289 | Xeroxed Colored Photograph Consisting of one page | 233 |
| 290 | Xeroxed Colored Photograph Consisting of one page | 237 |
| 291 | Xeroxed Colored Photograph Consisting of one page | 240 |
| 292 | Xeroxed Colored Photograph Consisting of one page | 244 |
| 293 | Xeroxed Colored Photograph Consisting of one page | 245 |
| 294 | Xeroxed Colored Photograph Consisting of one page | 246 |
| 295 | Xeroxed Colored Photograph Consisting of one page | 248 |
| 296 | Xeroxed Colored Photograph Consisting of one page | 249 |

EXHIBITS CONTINUED:

| | | |
|-----|--|-----|
| 297 | Xeroxed Colored Photograph Consisting of one page | 251 |
| 298 | Xeroxed Colored Photograph Consisting of one page | 253 |
| 299 | Xeroxed Colored Photograph Consisting of one page | 254 |
| 300 | Xeroxed Colored Photograph Consisting of one page | 254 |
| 301 | Xeroxed Colored Photograph Consisting of one page | 255 |
| 302 | Xeroxed Colored Photograph Consisting of one page | 257 |
| 303 | Xeroxed Colored Photograph Consisting of one page | 261 |
| 304 | Xeroxed Colored Photograph Consisting of one page | 262 |
| 305 | Xeroxed Colored Photograph Consisting of one page | 265 |
| 306 | Xeroxed Colored Photograph Consisting of one page | 266 |
| 307 | Xeroxed Colored Photograph Consisting of one page | 267 |

EXHIBITS CONTINUED:

| | | |
|-----|--|-----|
| 308 | Xeroxed Colored Photograph Consisting of one page | 267 |
| 309 | Xeroxed Colored Photograph Consisting of one page | 269 |
| 310 | Xeroxed Colored Photograph Consisting of one page | 270 |
| 311 | Xeroxed Colored Photograph Consisting of one page | 271 |
| 312 | Xeroxed Colored Photograph Consisting of one page | 273 |
| 313 | Xeroxed Colored Photograph Consisting of one page | 274 |

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

| PAGE | LINE |
|------|------|
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| | |
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| 230 | 15 |
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| 232 | 16 |
|-----|----|

1 IRVINE, CALIFORNIA, MONDAY, JULY 10, 2017

2 9:46 A.M.

3 -000-

4 09:46:23

5 THE VIDEOGRAPHER: Good morning, everyone.

09:46:23

6 My name is Robert Adams. I'm your videographer. And

09:46:24

7 I represent Atkinson-Baker, Incorporated in Glendale,

09:46:27

8 California.

09:46:31

9 I'm not financially interested in this action

09:46:31

10 nor am I a relative or employee of any attorney or

09:46:33

11 any of the parties.

09:46:36

12 Today's date is July 10th, 2017. And the

09:46:37

13 time is 9:46 a.m.

09:46:40

14 And this deposition is taking place at

09:46:43

15 2600 Michelson Drive, Suite 1700, Irvine, California,

09:46:48

16 92612.

09:46:55

17 This is case number 2:16-cv-02129-SJO (RAOx)

09:46:55

18 entitled Spencer versus Lunada Bay Boys. The

09:47:05

19 deponent is Frank Ferrara.

09:47:08

20 This deposition is being taken on behalf

09:47:11

21 of the Plaintiffs. And the court reporter is

09:47:14

22 Angelique Ferrio from Atkinson-Baker.

09:47:16

23 Counsel will now please introduce themselves.

09:47:18

24 After all counsel present have introduced themselves,

09:47:20

25 the witness will be sworn in by the court reporter.

09:47:22

1 This is the beginning of D.V.D. Number One, 09:47:25
2 Volume One. The D.V.D. is running and we are now on 09:47:27
3 the record. 09:47:30

4 MR. OTTEN: My name is Vic Otten. And I 09:47:30
5 represent the Plaintiffs. 09:47:33

6 MS. HEWITT: Antoinette Hewitt for the City 09:47:34
7 and for the Chief Kepley. 09:47:38

8 MS. LUTZ: Tera Lutz for the Defendant 09:47:39
9 Sang Lee. 09:47:41

10 MS. BACON: Tiffany Bacon for Defendants 09:47:41
11 Frank Ferrara and Charlie Ferrara. 09:47:44

12 MR. HAVEN: Peter Haven for Defendant 09:47:47
13 Michael Papayans. 09:47:52

14 MR. COOPER: Robert Cooper of Buchalter for 09:47:55
15 Defendant Brant Blakeman. 09:48:01

16 MS. VU: Jackie Vu for the Defendant 09:48:03
17 Sang Lee. 09:48:06

18 MR. FIELDS: Mark Fields for Defendant 09:48:06
19 Angelo Ferrara and N.F. 09:48:08

20
21 FRANK FERRARA,
22 having first been duly sworn, was
23 examined and testified as follows:
24
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EXAMINATION

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BY MR. OTTEN:

Q. Can you state your full name for the record,
please.

A. Frank Ferrara.

Q. Do you have a middle name?

A. I don't use it.

Q. But do you have one?

A. I have one.

Q. What is it?

A. Joseph.

Q. Joseph?

A. Yes.

Q. Mr. Ferrara, have you ever had your
deposition taken before?

A. Yes, I have.

Q. On how many occasions?

A. Once.

Q. How long ago was that?

A. Probably about ten years ago.

Q. And just without getting into too much
detail, what was the nature of it; was it a civil
case?

A. It was an insurance case which they, I guess,

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09:48:52

| | | |
|----|---|----------|
| 1 | A. Yes. | 09:53:42 |
| 2 | Q. And what city do you live in? | 09:53:43 |
| 3 | A. Wildomar. | 09:53:45 |
| 4 | Q. But in a typical year it would be about | 09:53:48 |
| 5 | 10 to 40 times that you would surf with your brother? | 09:53:58 |
| 6 | A. Probably. | 09:54:01 |
| 7 | Q. Okay. And when you say probably, by the way, | 09:54:02 |
| 8 | is that an estimate or are you just guessing? | 09:54:08 |
| 9 | A. Well, there are different surfing spots on | 09:54:11 |
| 10 | the Palos Verdes Peninsula. Maybe I'm surfing one | 09:54:14 |
| 11 | location and he's at another or he's at one location | 09:54:14 |
| 12 | and I'm at another. | 09:54:14 |
| 13 | So, I'm just using that as 40 some odd years | 09:54:20 |
| 14 | of surfing on the Peninsula. | 09:54:26 |
| 15 | Q. Right. What other spots on the Peninsula do | 09:54:29 |
| 16 | you surf besides Lunada Bay? | 09:54:32 |
| 17 | A. Do you want me to list them all? | 09:54:35 |
| 18 | Q. Let's just talk about last year or last | 09:54:38 |
| 19 | season and that would be -- | 09:54:41 |
| 20 | A. Okay. I surfed Indicator, Upper Indicator, | 09:54:42 |
| 21 | Middle Indicator, Lower Indicator, Upper Haggerty, | 09:54:47 |
| 22 | Impossibles, and Lunada Bay. | 09:54:53 |
| 23 | Q. And how many times would you estimate that | 09:55:04 |
| 24 | you've surfed Lunada Bay last year? | 09:55:07 |
| 25 | MS. BACON: I think that you already asked | 09:55:10 |

1 called a combination person where you can do the auto 10:15:33
2 body and the paint. 10:15:37

3 Q. Were you ever Vice-President of your dad's 10:15:38
4 company? 10:15:41

5 A. No. 10:15:41

6 Q. What were your -- at some point did your job 10:15:42
7 duties there change from -- 10:15:51

8 MS. BACON: Vague and ambiguous, over broad. 10:15:54

9 BY MR. OTTEN: 10:15:55

10 Q. -- from, say, painting to selling cars or 10:15:55
11 buying cars? 10:15:59

12 MS. BACON: Vague and ambiguous, over broad. 10:16:00

13 THE WITNESS: It changed when after I gotten 10:16:02
14 married and chose to get into the auto wholesale 10:16:05
15 business and away from the paint and body industry. 10:16:08

16 BY MR. OTTEN: 10:16:12

17 Q. Okay. So, for the 35 years then I'm going to 10:16:12
18 say you've been not employed by your father's 10:16:15
19 business at all? 10:16:18

20 A. Correct. 10:16:19

21 Q. Okay. And when you got married, you said the 10:16:19
22 auto wholesale business? 10:16:27

23 A. Yes. 10:16:28

24 Q. What does that entail? 10:16:28

25 A. You would buy cars from different new car 10:16:32

1 store franchise dealers or different auto auctions or 10:16:36
2 different lease companies. And then you would buy 10:16:41
3 them and sell them for a profit. 10:16:43

4 Q. Okay. And how did you get into that? 10:16:45

5 A. Just by my experience in the automotive 10:16:48
6 industry. 10:16:51

7 Q. Okay. 10:16:52

8 A. And then I saw that there was an opportunity 10:16:52
9 for me where I was being hired to buy cars for 10:16:54
10 individuals. 10:16:59

11 And then from there it went to dealers that I 10:17:00
12 did business with in the body and paint field. And 10:17:04
13 then they asked if I would buy them cars because I 10:17:08
14 knew how to examine a car and get them a good car at 10:17:15
15 a good price. 10:17:16

16 Q. So, you went to work for somebody right after 10:17:17
17 you left your dad's? 10:17:20

18 A. No. I setup my own auto wholesale business 10:17:21
19 and got licensed by the State and setup a small 10:17:26
20 wholesale business. 10:17:30

21 MS. BACON: Can we take a break? 10:17:30

22 MR. OTTEN: Sure. 10:17:30

23 THE VIDEOGRAPHER: We are going off the 10:17:33
24 record at 10:17 a.m. 10:17:34

25 (Discussion held off the record.) 10:17:49

| | | |
|----|---|----------|
| 1 | THE VIDEOGRAPHER: We are back on the record | 10:20:52 |
| 2 | at 10:21 a.m. | 10:20:53 |
| 3 | BY MR. OTTEN: | 10:20:55 |
| 4 | Q. We were talking about just briefly your | 10:20:55 |
| 5 | employment. | 10:20:58 |
| 6 | Currently, you work or are you retired? | 10:20:59 |
| 7 | A. I work. | 10:21:01 |
| 8 | Q. And do you have any physical locations where | 10:21:01 |
| 9 | you sell the cars out of or -- | 10:21:05 |
| 10 | A. No. | 10:21:07 |
| 11 | Q. Okay. That's a pretty good gig; right? | 10:21:08 |
| 12 | A. Yes. | 10:21:12 |
| 13 | Q. Any other businesses that you have? | 10:21:12 |
| 14 | A. No. | 10:21:24 |
| 15 | Q. Did you ever have any other businesses that | 10:21:24 |
| 16 | made surfing-related products? | 10:21:27 |
| 17 | A. No. | 10:21:31 |
| 18 | Q. No sunscreen or anything like that? | 10:21:31 |
| 19 | A. I don't make sunscreen, no. | 10:21:34 |
| 20 | Q. By the way, do you ride horses? | 10:21:36 |
| 21 | A. Yes. | 10:21:40 |
| 22 | Q. How long have you been riding? | 10:21:41 |
| 23 | A. 35 years. | 10:21:45 |
| 24 | Q. No kidding? | 10:21:46 |
| 25 | A. Yes. | 10:21:48 |

(Whereupon, the deposition of
FRANK FERRARA commenced at
9:46 a.m. and concluded at
5:16 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
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20 _____
21 FRANK FERRARA
22
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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 10th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Frank Ferrara
July 10, 2017

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2
3
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
5 Certified Shorthand Reporter in the State of California,
6 certify that the foregoing pages are a true and correct
7 copy of the original deposition of FRANK FERRARA, taken
8 on Monday, July 10, 2017.

9 I declare under penalty of perjury under the
10 laws of the State of California that the foregoing is
11 true and correct.

12 Dated this 10th day of July, 2017.

13
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17 _____
18 Angelique Melody Ferrio
19 CSR No. 6979
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Frank Ferrara
July 10, 2017

Exhibit S

Man That's why, that's why people want to come back and like, oh, let's get those fuckers. People take him to the extreme because they got shit for the older people. Like you know, they wanted to prove themselves because they wanted a surfer, so they had to do things, you know, that were uncalled for, to like show they cared about stuff.

Woman Yeah.

Man Back in the day you could...back in the day, you could drink and drive. Everyone, you know, things were cooler back the day. You know, I'm just trying to give examples.

Woman Yeah.

Man The thing, you could get into a fight and not have to deal with the cops. Now you say something to someone, the wrong words and you're getting sued. That's all, I'm just trying to say, like, I don't know.

Woman Yeah, you're saying it's not good to take photos of the waves and share 'em with people.

Man Yeah, keep 'em. I have photos all over my house.

Woman Yeah.

Man But it's in my house.

Woman Believe me, I'm so lazy anyway that I'm like --

Man -- You seem super cool -- you seem so cool --

Woman -- I take photos of all kinds of stuff that I don't post.

Man -- No, no, you seem so cool and it just sucks that like, you know, you got the wrong vibe from everybody. That's what happens. Everybody deals with that down here. Everybody gets the wrong vibe, because that's the hazing, it's like a fraternity. They're going to be a dick to you because they want to see how bad you want it. You know what I mean, like a fraternity, they're going to make you drink frickin' piss to see how bad you want to be in this fraternity. They're gonna make -- you get what I'm saying, like?

Woman Yeah.

Man They're going to make you sit down here when it's all sunny or they're gonna make you walk up to a ... to the liquor store to go get 'em ice for their beer and you're, you know, tired, but, "oh, you want a slurpy? You gotta go do that." You know, just like...it's just respect, and it teaches people respect and how to be a man and like...they're all, it's all out of love.

Woman But what if you're a girl?

Man The rousing is all out of love.



Woman So that you think they're rousting me out of love?

Man No.

Woman Cuz I don't think --

Man No, they're rousting you because you're a newcomer.

Woman They're not rousting me out of love.

Man They're rousting you because you're a newcomer. You don't, you didn't know how to approach it.

Woman Yeah.

Man You didn't know how to approach it. Did you paddle straight out?

Woman I didn't even paddle out.

Man Exactly.

Woman Cuz I mean, I couldn't, like, I was just hassled so much that I just like had to leave. And that was the day that like the cops were down here and like they saw the whole thing and like they, you know, they went up the hill and like I have to file the report.

Man Well, I'll tell you what it is. No one here will ever touch you. They will never touch you. Ever. I don't care what they say, what they do, they will never touch you. They're not like that. They're family members. I promise you on that. They're good people. They just want --

Woman But I'm just saying it's scary being a girl.

Man Well, sure it is.

Woman I'm dealing with that, okay, like, yeah, if you're a guy.

Man But it's also scary being a guy when you have guys barking at you, too, you know. It's scary when you're a guy and you have fuckin' ten guys you know like, you know, gettin' gnarly on you.

Woman Yeah.

Man That's life. It's not just here. So many spots in this world you cannot even put your frickin' foot in the water. So many spots. Go up to Oregon -- oh my gosh, they'll like -- there are so many localized spots.

Woman But I mean, do you think that's okay? If it's like a public place, you know? I mean, I guess I don't get that, you know.

Man Listen, this is completely open to you. This is completely open to you. The surfing is different. The surfing is...the water, you know, whatever, yeah. I can't tell you you can't be down here. I can't tell you that, you know. I can't tell you you can't go

surfing, but what I can do is make sure you don't have fun out there. You know what I mean? And then what's the point of that? You're going to come here when the surf's good everywhere else and get burned and have a bad day? That's, cuz that's, you know, that's what we're gonna keep on doing. They want to come out we're just gonna on burning them and make them have a bad session because we're going to stick together and like attack cuz we are. We're family. We're all family in this, like, it's really uncool what's going on, how we're getting, you know, the wrap. We don't go bother people. They come to us. And maybe, you know, if they came down and showed some respect when the surf's good without the board, and hung out and got to know people who surf here, know the routes, know the background of the people here, that's a start. That's a start. The ladder's way up here because, like I'm trying to say, this is all they have. Some people don't have families. I'm trying to explain that to you. This right here, that's their god.

Woman Wow.

Man Just like how homeless people are homeless. You know, you go wow, that's crazy. This person's homeless and like, wow, isn't it crazy they love this place that much. Yeah, it is crazy, but that's how it is. They love it. It's their getaway. Life's not easy, you know. People go through gnarly things and this is their best outlet.

Woman I thought everyone here though is like really, you know, wealthy and doesn't have any --

Man No, fuck, people here are...no, these people are, they're not wealthy; they just get by. My dad does pretty good. We live in PV, but we're just getting by. You know, my dad's a surfer. He works on cars. He works his ass off. Hey, and yes, it's a bummer to see waves go like that. It is a bummer.

Woman That are unriden.

Man It is.

Woman Yeah, it's a real bummer.

Man It's a fuckin' bummer.

Woman You should be out there.

Man I know, I just, I just got out. I just got out. And that's why I was calling people get down here. Get the frick out. We need people surfing.

Woman Cuz that's the sad part is like to have such a great wave and then no one is ever --

Man But that's the thing, that's the thing, one day you see, you know, whoa, it's really good and no one's around, but you guys don't know how many people are tied into this spot. People up north that surfed here for 30 years back in the day that come down and surf, people that live in Torrance that have surfed here there whole life. People from all over, like they, you know and we're...everyone works, you know. So

there's times where people aren't there because of certain things. This place has enough people on it and for how...I mean, I don't know...how do I explain myself.

Woman I get it. I guess my point is like why can't everyone just get along. You know, why can't people ---

Man The reason is, the reason is one person gets along -- oh, they're cool -- everyone gets along, and then it turns into Rincon and Malibu. Oh, they got the sweet ticket...why didn't I get the golden ticket? Trust me, it's how it goes.

Woman But that's just part of dealing with the big city, isn't it? It's like you have to deal with crowds.

Man City? No, I'm not doing the city or anything. This is --

Woman Or, you know, LA.

Man I'm not dealing with them. I'm just dealing with...I'm not dealing with anybody. I'm not dealing with anything. I'm surfing. I came down here and me and you are having a talk.

Woman Yeah.

Man I just came up here to look for my friend's phone. That's what I came up here to do. And that's you know, that's another thing.

Woman But see, maybe if people were --

Man You know, I don't even know that you see, like are you recording? I don't know.

Woman No, I'm not recording.

Man You know, like, see I don't know. I don't know. And like, and that's what, that's what's happened to other people. They've been recorded and stuff while they're, you know, rousting them and get recorded and they get in trouble, but it's like...

Woman Cuz maybe there's better ways of doing it. I don't know. I'm just saying there could be like more peaceful ways.

Man Well that's why now we're not, you know, doing stuff, and now we're just burning people. Yeah, Joel, yeah, fuck yeah, Joel. He's a very good surfer.

Woman Yeah, he's great.

Man And that guy surfs all year. When the waves aren't good, everywhere else, because he ... that guy has gotten so much shit, that guy right there who just got that barrel.

Woman Okay, no one ever surfs there though. No one ever surfs there.

Man It's called truck drivers. There's a reason why. It's not the spot to sit, okay?

Woman It's good sometimes though.

Man You think you know that, but you know this wave. I know the wave. Very well.

Woman All true. That is true.

Man Okay. You surf that when it's high tide or deep, and there's reef all along here. Trust me, people I go, oh, those guys are pussies. They don't even fucking know. We charge so hard. We surf the pipeline. We surf all the heavy waves. It's just not a good spot.

Woman Have you surfed pipeline?

Man Yes, I have. I've surfed pipeline third reef. Massive.

Woman How was it?

Man As good as it gets. Fucking insane. My cousin, my cousin spent three years there. He taught me a lot about respect. About the lineup. About who to stay away from, who to talk to, who to be cool with.

Woman Yeah.

Man You know. It's all respect, and did you know that this bump was look wise before you came down here? Did you know? Be honest, cuz if you knew, then you knew what you were walking into and that was disrespectful. And that's where you went wrong. It's disrespectful.

Woman To walk into a place?

Man No. To walk, to paddle out to what they worked so hard to keep how it is. That's how they look at it.

Woman Interesting.

Man They cleaned all this shit. They cleaned from here all the way around, all the trash. It's called, I forget what they call it. It's a certain day once a year. They do a whole cleanup.

Woman Yeah. I was thinking of helping with that.

Man People are so rude to, people are so rude to you down here you have no idea. They're so cool. Like I said, penman, their kids are sitting right here and cooking dogs for the kids. We're surfing. It's not...it's just, it is how it is.

Woman Well, yeah, I know what you're saying. It's that everyone is chilled here. I just think.

Man No, I'm not saying that. I'm just saying --

Woman Well between each other--

Man What I'm saying is it is how it is for specific reasons. Like Rincon and Malibu. Guaranty you it will be like that. Indicator? There's a cliff there. I still see fifty people out. So did I get rid of your cliff theory? A little bit? A little bit?

Woman I don't know, I mean, maybe, yeah.

Man A lot of it? I did. Cuz anybody can walk on a cliff. It's not hard. It's really not hard.

Woman I mean, I get your perspective. I just don't know why ---

Man No, it's not, it's not my perspective. It's the way it's been here for--

Woman Forever here pretty much.

Man --Forever. As long as, as long as my dad was a kid. My dad's 59 years old. For 59 years it's been like that. Who are you to come here and change something? Get me?

Woman Yeah.

Man I'm sorry to say it like that. I don't, I'm not rude, but that's how they're looking at it, you know, some newcomers come and screw up what we have going on here and, ach! You know, you could have gone about it right and you didn't and I don't know why--

Woman Well, I don't know, but it's not like I did it on purpose, like I didn't really know.

Man I know, but like, now I don't know if people like, now if you come down without your board like you did right now which was super cool and you come down and like you come sit around here and people are here, I don't know if they're gonna want to talk to you. You know what I mean, because they're hurt, and I'll tell you what that wave back there does. It's only good if it's a deep one. If you're a surfer, man, it's only good if it's a deep one, 'kay, cuz there's the west bowl and the west bowl you won't be able to make it if you're back there. You got me? It's only good if it's a deep one. And there's not many, like only a rare deep one comes in. So this is the main local right here. This is the main local.

Woman That's your buddy?

Man Yup. This is the main local.

Woman And he, is he chill or is he mean?

Man He's pitched... Okay, so what I did was I had a kind talk with you guys and, um...

Woman And I really appreciate it, you know, I've --

Man No, no, no, he's gonna, and now, I'm gonna get yelled at, okay? You see?

Woman Do you want me to talk to him?

Man No, don't worry about it. I'm just saying, I'm gonna get nailed.

Woman Well then you should tell him that you know it's good you explained things to me because it's...my intention here is not to cause trouble, like I just, honestly, my intention is I just want to be able to come here and surf and like want everyone to be chill and have a good time.

Man Yeah, I appreciate that.

Woman And you know hopefully we can just all get along. That's all I want.

Man I agree with you, but I don't know like I just, you know, I don't know how it's gonna work. I'm sorry. I can't do anything. I didn't do it, you know.

Woman Yeah.

Man You seem really cool. I don't know, I'm sorry.

Woman What do they do with all the video that they get? Cuz they've taken a lot of videos of me.

Man Oh, because you video them. [inaudible]

Woman All right, well if you want me to [inaudible]

Man [inaudible]

Woman All right.

Man It really flames the tempers, huh.

Woman What?

Man It really flames the tempers, huh.

Woman Yeah. I know.

Man That's the way to get somebody to [inaudible]

Woman That's a really good one.

Man 'kay, do it. Nice.

Exhibit T



EXHIBIT
274
FERRARA
7/17/17
PENGAD 800-631-8888

Exhibit U

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Cory Spencer, et al.,

Plaintiffs,

vs.

Case No.
2:16-CV-02129-SJO
(RAOx)

Lunada Bay Boys, et al.,

Defendants.

DEPOSITION OF KENNETH CLAYPOOL

June 13, 2017

10:23 a.m.

20320 S.W. Birch Street, 2nd Floor
Newport Beach, California

REPORTED BY:

Angela M. Schubert

CSR No. 12027, CSR

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INDEX TO EXAMINATION

WITNESS: KENNETH CLAYPOOL

| EXAMINATION | PAGE |
|---------------|----------|
| By Ms. Bacon | 7,84,238 |
| By Mr. Glos | 107,246 |
| By Mr. Ward | 180 |
| By Mr. Cooper | 199 |
| By Mr. Haven | 75 |
| By Mr. Voss | 77 |

INDEX TO EXHIBITS

KENNETH CLAYPOOL

Cory Spencer, et al., vs. Lunada Bay Boys, et al.

Tuesday, June 13, 2017

Angela M. Schubert, CSR No. 12027, CSR

| MARKED | DESCRIPTION | PAGE |
|-------------|--------------------------------------|------|
| Exhibit 250 | Notice of deposition | 10 |
| Exhibit 251 | Plaintiff's supplemental disclosures | 18 |
| Exhibit 252 | Declaration of Kenneth Claypool | 91 |

1 NEWPORT BEACH, CALIFORNIA;

2 TUESDAY, JUNE 13, 2017, 10:23 A.M.

3
4 KENNETH CLAYPOOL,

5 having been first duly sworn, was examined and

6 testified as follows:

7
8 EXAMINATION

9
10 BY MS. BACON:

11 Q. Good morning, Mr. Claypool. My name is
12 Tiffany Bacon and I represent defendants Franker
13 Ferrara and Charlie Ferrara in this action. Can you
14 please state and spell your name for the record?

15 A. Ken Claypool, K-e-n, C-l-a-y-p-o-o-l.

16 Q. Have you ever gone by any other names besides
17 Ken Claypool?

18 A. Kenneth.

19 Q. Does anyone ever refer to you as Kenny?

20 A. Yes.

21 Q. Have you ever been deposed before?

22 A. No.

23 Q. Do you understand that you're here today to
24 provide us your best testimony?

25 A. Yes.

1 time?

2 A. No.

3 Q. I know earlier you mentioned Charlie Ferrara.

4 Have you met Charlie Ferrara in person?

5 A. I don't remember.

6 Q. You don't remember meeting him?

7 A. I don't remember him.

8 Q. I guess it's safe to say that you have not
9 seen Charlie Ferrara at Lunada Bay?

10 MR. FRANKLIN: Vague and ambiguous.

11 THE WITNESS: I have seen him at Lunada Bay.

12 MS. BACON: You have seen him at Lunada Bay.

13 BY MS. BACON:

14 Q. When did you see him at Lunada Bay?

15 A. I think it was Charlie Ferrara that was -- if
16 that's the stepson was verbally harassing me at the
17 bottom of the trail in one of the incidents.

18 Q. I think you said that's Angelo Ferrara's
19 stepson?

20 A. Yeah. That's what I thought.

21 Q. Can you tell me what Charlie Ferrara looks
22 like?

23 A. No. Well, just depends. I have to see
24 pictures and determine actually who's who.

25 Q. So if you've never seen Frank Ferrara at

1 Lunada Bay, I guess it's safe to assume that you've
2 never seen Frank Ferrara harass anyone at Lunada Bay?

3 MR. FRANKLIN: Misstates prior testimony.

4 BY MS. BACON:

5 Q. Is that statement correct?

6 A. Repeat the question.

7 Q. Have you ever seen Frank Ferrara harass anyone
8 at Lunada Bay?

9 A. No.

10 Q. Have you ever seen Charlie Ferrara harass
11 anyone at Lunada Bay?

12 A. I think so. It's hard to determine who's who
13 because I don't know them that well.

14 Q. When you say you think so, what incident are
15 you referring to that you think you saw Charlie Ferrara
16 harass somebody at Lunada Bay?

17 A. I thought it was Charlie. That Charlie
18 Ferrara was the stepson.

19 Q. So earlier when you referred to Angelo
20 Ferrara's stepson, that's the incident you're talking
21 about?

22 A. Yeah.

23 Q. So you don't know that it was Charlie Ferrara?

24 A. No.

25 Q. Is that correct?

1 A. Correct. I just know that for sure it was the
2 person that I thought it was. It was Angelo Ferrara's
3 stepson.

4 Q. Do you know who is the father of Charlie
5 Ferrara?

6 A. Charlie, I would assume it was Angelo Ferrara.

7 Q. So apart from that one incident earlier when
8 you identified Angelo Ferrara's stepson, are there any
9 other instances, any accidents, that you can recall
10 involving that particular person harassing anyone at
11 Lunada Bay?

12 MR. FRANKLIN: Vague and ambiguous.

13 THE WITNESS: No but I've seen them around
14 there a lot.

15 BY MS. BACON:

16 Q. Are you aware of any behavior of father
17 Ferrara that leads you to believe that he's what you
18 refer to as a Lunada Bay Boy?

19 A. If you're referring to Frank Ferrara, that I
20 know of, is the father of Angelo Ferrara.

21 Q. No.

22 A. There's a Frank senior that I'm speaking of.

23 Q. I'm not speaking of Frank senior. So if
24 you're referring to Frank as Angelo Ferrara's father?

25 A. I don't know Frank then.

1 Q. So you don't know Frank senior's son?

2 A. No.

3 Q. Is the Frank Ferrara that you're referring to
4 as Angelo Ferrara's father still alive?

5 A. I believe he is.

6 Q. How old is Angelo Ferrara if you know or can
7 you estimate?

8 A. Close to 60.

9 Q. Have you ever met any siblings of Angela
10 Ferrara?

11 A. No.

12 Q. So you're not aware of any other son of father
13 Ferrara senior other than Angelo Ferrara; is that
14 correct?

15 MR. FRANKLIN: Vague and ambiguous.

16 THE WITNESS: I don't know.

17 MS. BACON: Okay.

18 BY MS. BACON:

19 Q. Have you ever witnessed Charlie Ferrara and
20 I'm not referring to Angelo's stepson, Charlie Ferrara
21 threaten or intimidate anyone at Lunada Bay?

22 MR. FRANKLIN: Vague and ambiguous.

23 THE WITNESS: I can't say for sure.

24 BY MS. BACON:

25 Q. So that's a no?

1 MR. FRANKLIN: Misstates the testimony.

2 THE WITNESS: I can't say for sure.

3 BY MS. BACON:

4 Q. Have you ever spoken with Diana Reed about any
5 actions of Charlie Ferrara at Lunada Bay and I'm not
6 speaking of Angelo Ferrara's stepson?

7 A. No.

8 Q. What about Cory Spencer, have you had any
9 conversations with him about that?

10 A. Repeat the question.

11 Q. About any actions taken by Charlie Ferrara,
12 not Angelo Ferrara's stepson at Lunada Bay?

13 A. I have not spoken with Cory about that.

14 Q. Have you ever witnessed Frank Ferrara and I'm
15 not speaking of Angelo Ferrara's father threaten or
16 intimidate anyone at Lunada Bay?

17 MR. FRANKLIN: Vague and ambiguous.

18 THE WITNESS: No.

19 BY MS. BACON:

20 Q. Have you ever witnessed Frank Ferrara, not
21 Angelo's father, engage in any wrongful conduct at
22 Lunada Bay?

23 MR. FRANKLIN: Vague and ambiguous.

24 THE WITNESS: I don't know for sure.

25 ///

1 BY MS. BACON:

2 Q. Have you ever witnessed Charlie Ferrara, not
3 Angelo Ferrara's stepson, engage in any wrongful
4 conduct at Lunada Bay?

5 MR. FRANKLIN: Vague and ambiguous.

6 THE WITNESS: I don't know for sure.

7 MS. BACON: Okay.

8 BY MS. BACON:

9 Q. So going back to Exhibit 251, I believe it was
10 plaintiff's supplemental disclosures. Can you now
11 state that the Ferrara's that you're speaking of in
12 this statement would not include Frank or Charlie
13 Ferrara?

14 MR. FRANKLIN: Vague and ambiguous. Misstates
15 prior testimony.

16 THE WITNESS: I don't know for sure.

17 BY MS. BACON:

18 Q. Have you ever met Chris Taloa?

19 A. Yes.

20 Q. When did you first meet him?

21 A. Approximately 2014.

22 Q. Did you meet him at Lunada Bay?

23 A. Yes.

24 Q. And in 2014, did you surf with him at Lunada
25 Bay?

1 A. I could have if they've been down there but I
2 don't recollect specifically meeting them.

3 Q. Would you classify Frank Ferrara as one of the
4 Lunada Bay Boys?

5 A. Not the father or Angelo's dad.

6 Q. Do you know of any other Frank Ferrara?

7 A. That's the only Frank Ferrara that I know of.

8 Q. Would you consider Charlie Ferrara, not Angelo
9 Ferrara's stepson, as one of the Lunada Bay Boys?

10 A. Yes, as far as I know.

11 Q. How did you come to know Charlie Ferrara?

12 A. Just heard it over and over in conversations
13 regarding the Bay Boys.

14 Q. Who in particular has mentioned Charlie
15 Ferrara's name?

16 A. I've heard that from -- I think I've heard --
17 it might have been on Facebook.

18 Q. It might have been on Facebook?

19 A. Yeah. It had to have been because I can't
20 remember specific conversations who I heard it from.

21 Q. Prior to the filing of the entire case, had
22 you heard of the name Charlie Ferrara?

23 A. Yes.

24 Q. And was that through Facebook that you're
25 talking about?

1 A. Yeah, and maybe in conversation with different
2 people but the name did come up.

3 Q. And any of these people who might have
4 mentioned the name Charlie Ferrara, did they speak
5 specifically about any actions that Charlie Ferrara
6 might have been engaged in at Lunada Bay or anywhere
7 else?

8 A. Yeah. I think it may have been eventually
9 brought up that he was one of the individuals that
10 harassed Diana. That he might have been involved in
11 that.

12 Q. At which time?

13 A. I don't recall.

14 Q. Now you said might have been. I don't want
15 you to guess or speculate. So if you know for sure, if
16 you heard someone say that he was involved in any
17 actions related to Diana Reed?

18 A. I have heard.

19 MR. FRANKLIN: Argumentative.

20 BY MS. BACON:

21 Q. You just heard?

22 A. Yes.

23 Q. And can you remember the specific individual
24 that you heard that from?

25 A. No.

1 Q. Did Diana Reed ever tell you that Charlie
2 Ferrara harassed her?

3 A. I don't think so. Because like I said before,
4 Diana and I have not talked about any of that together.

5 Q. Did Jordan Wright ever tell you that Charlie
6 Ferrara ever harassed Diana Reed?

7 A. I don't think so either.

8 Q. Are you aware that Jordan Wright and Diana
9 Reed are boyfriend and girlfriend?

10 A. Yes.

11 Q. Have you ever been harassed or intimidated by
12 Charlie Ferrara, not Angelo Ferrara's stepson?

13 MR. FRANKLIN: Vague and ambiguous.

14 THE WITNESS: It could have because I know him
15 as part of the group so it could have been him. It was
16 always a bunch of them and I can't recognize every one
17 of them, you know, all the time and it's been a lot of
18 years that all that has been happening so it could have
19 been.

20 BY MS. BACON:

21 Q. Do you know how old Charlie Ferrara might be?

22 A. 30 something.

23 Q. Would you say early 30s or late 30s?

24 A. Early.

25 Q. Can you tell me what he looks like?

1 A. If I recall correctly, he has dark hair. He's
2 not short. He's not tall. Thin, medium build, dark
3 hair.

4 Q. Do you know Charlie Ferrara, not Angelo
5 Ferrara's stepson, to ever have been involved in any
6 physical altercation with any person at Lunada Bay or
7 anywhere else?

8 MR. FRANKLIN: Vague and ambiguous.

9 THE WITNESS: Probably was involved in? I
10 don't know directly. I've never seen him. But just
11 because of his involvement in knowing that he's part of
12 the group, that he's probably been involved in some
13 altercations.

14 BY MS. BACON:

15 Q. Well, I asked if you knew but you don't know?

16 A. No.

17 MR. FRANKLIN: Argumentative.

18 MS. BACON: I'm just clarifying. I'm going to
19 attach this as the next exhibit, Exhibit 252.

20 (Exhibit 252 marked)

21 BY MS. BACON:

22 Q. Sir, have you seen this document before?

23 A. Yes. And.

24 Q. If you turn to page 14 of this document, is
25 that your signature?

1 MR. FRANKLIN: You are going to drive home
2 with traffic.

3 THE WITNESS: Thank you.

4 MS. BACON: Thank you, sir. I appreciate your
5 time.

6 THE WITNESS: Leave this here.

7 MR. FRANKLIN: Yes.

8 MR. WARD: I need a copy of this one please.

9 MS. REPORTER: Who would like copies?

10 MR. GLOS: I do.

11 MR. DIEFFENBACH: Copy please.

12 (Deposition concluded at 5:24 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, Kenneth Claypool, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on June 13, 2017; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this ____ day of _____, 2017, at _____, California.

Kenneth Claypool

1 DEPOSITION ERRATA SHEET

2 Page No. _____ Line No. _____

3 Change: _____

4 Reason for change: _____

5 Page No. _____ Line No. _____

6 Change: _____

7 Reason for change: _____

8 Page No. _____ Line No. _____

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17 Page No. _____ Line No. _____

18 Change: _____

19 Reason for change: _____

20 Page No. _____ Line No. _____

21 Change: _____

22 Reason for change: _____

23

24 _____

25 KENNETH CLAYPOOL Dated

REPORTER'S CERTIFICATE

I, Angela Schubert, CSR No. 12027, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness, the
questions propounded, and all objections and statements
made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;

That a review of the transcript by the
deponent was required;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
laws of California that the foregoing is true and
correct.

Dated this 18th day of June, 2017



ANGELA SCHUBERT, CSR NO. 12027

Exhibit V

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Attorneys for Defendants,
FRANK FERRARA and CHARLIE FERRARA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA
MILENA REED, an individual; and
COASTAL PROTECTION RANGERS,
INC., a California non-profit public
benefit corporation,

Plaintiff,

vs.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON AKA
JALIAN JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
FERRARA; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
KEPLEY, in his representative capacity;
and DOES 1-10,

Defendants.

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero
Dept: Courtroom 10C

Magistrate Judge:
Hon. Rozella A. Oliver

**DECLARATION OF JAMES
RUSSI**

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

I, James Russi, declare as follows:

1. I am not a party to this action. My legal name is James Russi, but I use the name "Jim." The matters stated herein are true of my own personal knowledge and, if called upon as a witness, I could and would competently testify thereto under oath.

1 2. I am a resident of Hawaii and have lived in Hawaii since 1979. I am a
2 photographer, and I photograph images for surfing magazines.

3 3. I grew up in Palos Verdes Estates, California and attended Palos Verdes
4 High School, where I graduated from in 1974.

5 4. I attended Palos Verdes High School with Frank Ferrara, and he
6 graduated in the same year. Frank Ferrara and I have remained friends since high
7 school, and we talk approximately 2-3 times per year.

8 5. While I lived in Palos Verdes Estates, California, I surfed at Lunada Bay
9 approximately 30 times per year, on average, from the year of 1969.

10 6. From 1975 to 1979, I attended college at the University of California,
11 Santa Barbara and occasionally surfed at Lunada Bay.

12 7. Since moving to Hawaii in 1979, I have surfed at Lunada Bay
13 approximately 40 times.

14 8. While living in Palos Verdes Estates, California, I never heard the use of
15 the terms “Bay Boy” or “Lunada Bay Boy” and was only made aware of these terms
16 by the use of these terms in the media.

17 9. I have no knowledge of Frank Ferrara being involved in any surf related
18 incidents at or around Lunada Bay.

19 10. I have no knowledge of Frank Ferrara being involved in any incident of
20 vandalism, harassment, intimidation or threatening behavior at or near Lunada Bay,
21 nor any other wrongful behavior.

22 11. I have no knowledge of Charlie Ferrara, Frank Ferrara’s son, being
23 involved in any surf related incident at or around Lunada Bay.

24 12. I have no knowledge of Charlie Ferrara being involved in any incident
25 of vandalism, harassment, intimidation or threatening behavior at or near Lunada
26 Bay, nor any other wrongful behavior.

27 13. I have no knowledge of Frank Ferrara or Charlie Ferrara ever being
28 involved in any illegal activity at or near Lunada Bay.

1 14. I have no knowledge of Frank Ferrara or Charlie Ferrara ever attempting
2 to exclude any person from visiting or surfing at or around the area of Lunada Bay.

3 15. I have no knowledge of Frank Ferrara or Charlie Ferrara ever being
4 involved in any physical altercation, physical fight, incident of violence, or intent to
5 cause harm to any person at or near the area of Lunada Bay.

6 16. I have no knowledge of Frank Ferrara or Charlie Ferrara ever having
7 any discussions with any other person about preventing anyone from visiting or
8 surfing at or near Lunada Bay.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

11 Executed on this 3rd day of JULY 2017, at HALEIWA, Hawaii.

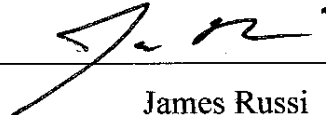
12
13 
14 James Russi

Exhibit W

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CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER'S
RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT
CHARLIE FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT CHARLIE FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff
Cory Spencer ("Responding Party") hereby submits these objections and
responses to the First Set of Requests for Admission propounded by
Defendant Charlie Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Admission.

Responding Party has not completed his investigation of the facts relating to

1 this case, his discovery or his preparation for trial. All responses and
2 objections contained herein are based only upon information that is
3 presently available to and specifically known by Responding Party. It is
4 anticipated that further discovery, independent investigation, legal research
5 and analysis will supply additional facts and add meaning to known facts, as
6 well as establish entirely new factual conclusions and legal contentions, all
7 of which may lead to substantial additions to, changes in and variations from
8 the responses set forth herein. The following objections and responses are
9 made without prejudice to Responding Party's right to produce at trial, or
10 otherwise, evidence regarding any subsequently discovered information.
11 Responding Party accordingly reserves the right to modify and amend any
12 and all responses herein as research is completed and contentions are
13 made.

14 **GENERAL OBJECTIONS**

15 Responding Party generally objects to the Requests for Admission as
16 follows:

- 17 1. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;
- 21 2. Responding Party objects generally to the Requests for
22 Admission to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 3. Responding Party objects generally to the Requests for
3 Admission to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them would require the
5 review and compilation of information from multiple locations, and
6 voluminous records and files, thereby involving substantial time of
7 employees of Responding Party and great expense to Responding Party,
8 whereas the information sought to be obtained by Propounding Party would
9 be of little use or benefit to Propounding Party;

10 4. Responding Party objects generally to the Requests for
11 Admission to the extent that they are vague, uncertain and overbroad, being
12 without limitation as to time or specific subject matter;

13 5. Responding Party objects generally to the Requests for
14 Admission to the extent that they seek information at least some of which is
15 protected by the attorney-client privilege or the attorney work-product
16 doctrine, or both;

17 6. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to have Responding Party furnish
19 information that is a matter of the public record, and therefore, is equally
20 available to the propounding party as to Responding Party; and

21 7. Responding Party objects generally to the Requests for
22 Admission to the extent that they seek to have Responding Party furnish
23 information that is proprietary to Responding Party and contain confidential
24 information.

25 8. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO REQUESTS FOR ADMISSION**

5 **REQUEST FOR ADMISSION NO. 1:**

6 Admit YOU have no facts that support YOUR First Cause of Action for.
7 Bane Act against Propounding Party as alleged in YOUR COMPLAINT.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

10
11 **REQUEST FOR ADMISSION NO. 2:**

12 Admit YOU can IDENTIFY no PERSONS with knowledge to support
13 YOUR First Cause of Action for Bane Act against Propounding Party as
14 alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

17
18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR First
20 Cause of Action for Bane Act against Propounding Party as alleged in
21 YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24
25 **REQUEST FOR ADMISSION NO. 4:**

26 Admit YOU have no facts that support YOUR Second Cause of Action
27 for Public Nuisance against Propounding Party as alleged in YOUR
28

1 COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 5:**

6 Admit YOU can IDENTIFY no PERSONS with knowledge to support
7 YOUR Second Cause of Action for Public Nuisance against Propounding
8 Party as alleged in YOUR COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 6:**

13 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
14 Second Cause of Action for Public Nuisance against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 7:**

20 Admit YOU have no facts that support YOUR Sixth Cause of Action for
21 Assault against Propounding Party as alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24

25 **REQUEST FOR ADMISSION NO. 8:**

26 Admit YOU can IDENTIFY no PERSONS with knowledge to support
27 YOUR Sixth Cause of Action for Assault against Propounding Party as
28

1 alleged in YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

5 **REQUEST FOR ADMISSION NO. 9:**

6 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Sixth
7 Cause of Action for Assault against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

12 **REQUEST FOR ADMISSION NO. 10:**

13 Admit YOU have no facts that support YOUR Seventh Cause of Action
14 for Battery against Propounding Party as alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

18 **REQUEST FOR ADMISSION NO. 11:**

19 Admit YOU can IDENTIFY no PERSONS with knowledge to support
20 YOUR Seventh Cause of Action for Battery against Propounding Party as
21 alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

25 **REQUEST FOR ADMISSION NO. 12:**

26 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
27 Seventh Cause of Action for Battery against Propounding Party as alleged in
28

1 YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 13:**

6 Admit YOU have no facts that support YOUR Eighth Cause of Action
7 for Negligence against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 14:**

13 Admit YOU. can IDENTIFY no PERSONS with knowledge to support
14 YOUR Eighth Cause of Action for Negligence against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 15:**

20 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Eighth
21 Cause of Action for Negligence against Propounding Party as alleged in
22 YOUR COMPLAINT.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 Without waiving set objections, Plaintiff responds as follows: Denial

25

26 **REQUEST FOR ADMISSION NO. 16:**

27 Admit YOU have no knowledge, other than that which has been
28

1 testified to by Plaintiff Diana Milena Reed, that the audio recording identified
2 by Plaintiff Diana Milena Reed at Volume One, Page 18 of her deposition
3 taken in this matter on October 24, 2016 contains the voice of Propounding
4 Party. (A true and correct copy of Page 18, Volume One of Plaintiff Diana
5 Milena Reed's deposition is attached hereto as Exhibit A.)

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

7 Without waiving set objections, Plaintiff responds as follows: Denial

9 **REQUEST FOR ADMISSION NO. 17:**

10 Admit YOU have never met Propounding Party in person.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

12 Without waiving set objections, Plaintiff responds as follows: Denial

14 **REQUEST FOR ADMISSION NO. 18:**

15 Admit Propounding Party has never harassed YOU.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

19 **REQUEST FOR ADMISSION NO. 19:**

20 Admit Propounding Party has never caused YOU any pain or suffering.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

22 Without waiving set objections, Plaintiff responds as follows: Denial

24 **REQUEST FOR ADMISSION NO. 20:**

25 Admit YOU have no personal knowledge of Propounding Party ever
26 being involved in any incident of harassment at Lunada Bay at any time.

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 21:

Admit YOU have no personal knowledge of Propounding Party ever being involved in any incident of violence at Lunada Bay at any time.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 22:

Admit YOU have no personal knowledge of Propounding Party ever being involved in any incident of vandalism at Lunada Bay at any time.

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 23:

Admit that, prior to filing this Action, no PERSON ever told YOU that Propounding Party was involved in any incident of harassment at Lunada Bay at any time.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Without waiving set objections, Plaintiff responds as follows: Denial

REQUEST FOR ADMISSION NO. 24:

Admit that, prior to filing this Action, no PERSON ever told YOU that Propounding Party was involved in any incident of violence at Lunada Bay at any time.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

2 Without waiving set objections, Plaintiff responds as follows: Denial

4 **REQUEST FOR ADMISSION NO. 25:**

5 Admit that, prior to filing this Action, no PERSON ever told YOU that
6 Propounding Party was involved in any incident of vandalism at Lunada Bay
7 at any time.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

12 DATED: May 31, 2017

OTTEN LAW, PC

15 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
19 RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER
RESPONSE TO SECOND SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT CHARLIE
FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: Two

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
CORY SPENCER ("Responding Party") hereby submits these objections
and responses to the Second Set of Interrogatories propounded by
Defendant Charlie Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed her investigation of the facts relating to this case, her discovery or

her preparation for trial. All responses and objections contained herein are based only upon information that is presently available to and specifically known by Responding Party. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the responses set forth herein. The following objections and responses are made without prejudice to Responding Party's right to produce at trial, or otherwise, evidence regarding any subsequently discovered information. Responding Party accordingly reserves the right to modify and amend any and all responses herein as research is completed and contentions are made.

GENERAL OBJECTIONS

Responding Party generally objects to the Interrogatories as follows:

1. Responding Party objects generally to the Interrogatories to the extent that they seek to elicit information that is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence;

2. Responding Party objects generally to the Interrogatories to the extent that they are unreasonably overbroad in scope, and thus burdensome and oppressive, in that each such request seeks information pertaining to items and matters that are not relevant to the subject matter of this action, or, if relevant, so remote therefrom as to make its disclosure of little or no practical benefit to Propounding Party, while placing a wholly unwarranted burden and expense on Responding Party in locating, reviewing and producing the requested information;

3. Responding Party objects generally to the Interrogatories to the

1 extent that they are burdensome and oppressive, in that ascertaining the
2 information necessary to respond to them would require the review and
3 compilation of information from multiple locations, and voluminous records
4 and files, thereby involving substantial time of employees of Responding
5 Party and great expense to Responding Party, whereas the information
6 sought to be obtained by Propounding Party would be of little use or benefit
7 to Propounding Party;

8 4. Responding Party objects generally to the Interrogatories to the
9 extent that they are vague, uncertain and overbroad, being without limitation
10 as to time or specific subject matter;

11 5. Responding Party objects generally to the Interrogatories to the
12 extent that they seek information at least some of which is protected by the
13 attorney-client privilege or the attorney work-product doctrine, or both;

14 6. Responding Party objects generally to the Interrogatories to the
15 extent that they seek to have Responding Party furnish information that is a
16 matter of the public record, and therefore, is equally available to the
17 propounding party as to Responding Party; and

18 7. Responding Party objects generally to the Interrogatories to the
19 extent that they seek to have Responding Party furnish information that is
20 proprietary to Responding Party and contain confidential information.

21 8. Responding Party objects to the interrogatories, and to any
22 individual interrogatory set forth therein, to the extent that they are
23 compound and constitute an impermissible effort to circumvent the 25
24 interrogatory limit set by Rule 33 of the Federal Rules of Civil Procedure.

25 9. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO INTERROGATORIES**

5 **INTERROGATORY NO. 13:**

6 If YOU denied any of the Requests for Admissions served by
7 Propounding Party in this action, then for each Request for Admission
8 denied, state all facts RELATING TO YOUR denial.

9 **RESPONSE TO INTERROGATORY NO. 13:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Mr. Spencer on this topic.

27 Responding Party further objects to this interrogatory as compound.
28

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded in an effort to circumvent the numerical
3 limitations on interrogatories provided by Federal Rule of Civil Procedure
4 33(a)(1).

5 Responding Party further objects to this interrogatory on the grounds
6 that it seeks information that is outside of Responding Party's knowledge.

7 Responding Party further objects to the extent that this interrogatory
8 invades attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such information.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 **Facts Supporting Denial of RFA Nos. 1-25:**

14 The Complaint alleges that Defendant Lunada Bay Boys is an
15 unincorporated association within the meaning of Code of Civil Procedure §
16 369.5 acting by and through its respective members and associates.
17 Defendant Lunada Bay Boys acts by and through its respective members,
18 individually, collectively, and in concert, and conducts its affairs and activities
19 in the City of Palos Verdes Estates, County of Los Angeles, State of California.
20 Defendant Lunada Bay Boys claims gang territory, or "turf" within the City of
21 Palos Verdes Estates' Lunada Bay neighborhood (Lunada Bay). The Lunada
22 Bay Boys have received benefits from holding itself out to the public as an
23 entity. The Lunada Bay Boys functions under circumstances where "fairness
24 requires that the group be recognized as a legal entity."¹

25

26

27 ¹ *Barr v. United Methodist Church*, 90 Cal. App. 3rd 259,267, cert. denied,
28 444 U.S. 973 (1979), quoted and followed with approval in *People v. Colonia*
(footnote continued)

1 The Complaint further alleges that Defendant Lunada Bay Boys are
2 criminal street gang as defined in California Penal Code § 186.22, subdivision
3 (f), in as much as it is a group of three or more individuals with a common
4 name or common symbol and whose members, individually or collectively,
5 engage in or have engaged in a pattern of criminal gang activity, and has as
6 one of its primary activities the commission of enumerated "predicate crimes,"
7 including but not limited to assault, battery, vandalism, intimidation,
8 harassment, upon information and belief, the sale and use of illegal controlled
9 substances.

10 The Complaint alleges that Defendant Lunada Bay Boys use the
11 unpermitted Rock Fort to conduct criminal activity.

12 The Complaint also alleges that Defendant Lunada Bay Boys is also an
13 unincorporated association within the meaning of Corporations Code § 18035,
14 subdivision (a), inasmuch it consists of two or more individuals joined by
15 mutual consent for some common lawful purposes, such a attending social
16 gatherings, and recreational events. However, notwithstanding any common
17 lawful purpose, Defendant Lunada Bay Boys is a criminal gang whose
18 members are primarily engaged in criminal and nuisance activities which
19 constitute Bane Act violations and a public nuisance.

20 Defendant Lunada Bay Boys is comprised of members including, but
21 not limited to Sang Lee, Brant Blakeman, Angelo Ferrara, Frank Ferrara,
22 Nicholas Ferrara, Charlie Ferrara, Michael Rae Papayans, Alan Johnston aka
23 Jalian Johnston, each of whom has been within the Lunada Bay and is
24 responsible in some manner for the Bane Act violations and public nuisance
25 described in this Complaint.

26 _____
27 *Chiques*, 156 Cal. App. 4th 31, 38-39 (2007) (holding the criminal street
28 gang "Colonia Chiques may be sued as an unincorporated association").

1 Plaintiffs' first Claim is for an injunction and equitable relief under Civil
2 Code § 52.1(b). Some of the facts that support the claim include:

3 Some of the acts committed by the Lunada Bay Boys include:

4 1. On January 22, 1995, a Brazilian surfer was accosted by several
5 Lunada Bay Boys including David Hilton. The Brazilian surfer reported to the
6 police that suspect #1 told him angrily, "If you go out, no more car, no more
7 tires, no more glass, your car will be trash." He said that the suspect #1 was
8 much taller and bigger than he was and he was afraid of the suspect. He said
9 he backed away from suspect #1 and suspect #2 walked up to him and
10 deliberately knocked his surfboard into his [surfboard]. He said the suspect
11 #2 told him, "If you cross, I will fight you. I will break your face." He said he
12 was afraid that suspect would hurt him and backed away from him. He said
13 the suspect #3 yelled at him, "Fuck Brazil." The Brazilian surfer told the police
14 that approximately 15 other Lunada Bay Boys were standing around them.
15 He said he was fearful that he and his friends were going to be hurt, went back
16 to their car, drove to a local gas station and called the police.²

17 2. On March 13, 1995, Geoff Hagins and five 9 juveniles and another
18 adult were assaulted at Lunada Bay by Peter McCullom. Plaintiffs are
19 informed and believe that David Hilton, Kelly Logan, Sang Lee and others
20 were also part of the incident. Geoff Hagins called Ed Jaakola prior to going
21 to surf and informed him. The police records are redacted but the paper
22 reports: Peter McCollum, David Hilton, Defendant Sang Lee and Kelly
23 Hogan.³

24 3. On February 17, 2014, an unknown individual reports to Officer
25

26
27 ² DR 95-0062 (CITY 1-6).

28 ³ CITY1969; DR 95-031; P.V.P. News 11-30-96

1 Alex Gonzales: that he arrived at the 2300 block of Paseo Del Mar with the
2 intention of surfing. Before he was able to collect his gear and walk down the
3 trail to the beach, he was confronted by two unknown individuals who started
4 to harass him. The subjects told he was not allowed to surf at Lunada Bay,
5 and if he proceeded persisted to do so, they would follow him into the water
6 to block his waves and run their surfboards into him.⁴

7 4. On November 15, 2014, Sef Krell attempts to surf Lunada Bay.
8 As he walks down the trail, dirt clods and rocks are thrown at him.

9 The Complaint also alleges a civil conspiracy amount the Defendants
10 and other individuals.⁵

11 Diana Reed: believes that members of the Lunada Bay Boys engaged
12 in a concerted effort with other Bay Boys to obstruct the plaintiffs' and the
13 publics' free passage and use in the customary manner of a public space.
14 Reed also believes that members of the Bay Boys harass and assault the
15 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
16 that the conduct directed at the plaintiffs and others trying to surf Lunada Bay
17 is part of an agreement among Defendant Ferrara and the other Bay Boys,
18 which at a minimum, may be implied by the conduct of the parties and other
19 members of the Bay Boys.⁶ Reed believes that the Bay Boys concerted efforts
20 to stop the public from accessing the beach are documented in statements
21 made to the media, text messages and emails some of which have been
22 destroyed or are being withheld by the Defendants in this case. For example,

23
24 _____
25 ⁴ DR 14-01520.

26 ⁶ "A conspiracy is an agreement by two or more persons to commit a
27 wrongful act. Such an agreement may be made orally or in writing or may be
28 implied by the conduct of the parties." (CivilConspiracy-CACI3600)

1 Defendant Frank Ferrara was featured in the article "People Who Surf,"
2 December 1991 edition of Surfer Magazine. Plaintiffs are informed and
3 believe that the article was arranged by Lunada Bay local Jim Russi who was
4 a photographer at the magazine which is quoted in relevant part:

5 Q: There was an article a few months ago in the
6 L.A. Times that called the Palos Verdes surfers a
7 bunch elitist gangsters. As a P.V. guy, what do
8 you think of that?

9 A: I think that Palos Verdes is a beautiful surfing
10 spot and that some of the people who have come
11 up there in the past haven't really respected it.

12 Q: But the complaint from visitors is they're not
13 even given a chance to prove themselves. They're
14 run out or hit with rocks just trying to get to the
15 beach.

16 A: Look at what happened to Malibu, Trestles,
17 Rincon; there's five or six guys on every wave.
18 The guys who surf in Palos Verdes...have seen
19 what happens. One guy comes and surfs it, and
20 then he brings two or three guys, and they bring
21 three or four of their friends and it snowballs and
22 gets out of hand. That is exactly why we want to
23 protect it.

24 Defendant Frank Ferrara followed his interview up with a letter defending
25 localism printed in the March 1992 edition of Surfer Magazine stating; "I am
26 a protector of Palos Verdes. It is also protected by the pirates who surf there."
27 Members of the Bay Boys have worn pirate shirts.

28

1 In a May 5, 1995 article published in the Easy Reader entitled "A Bay
2 Boy Explains localism: 'A Great Sense of Community here'," Jim Russi admits
3 to the illegal acts the Bay Boys engage in to exclude outsiders. Russi said the
4 harassment stems from a desire by locals to preserve the beach for their own
5 use, especially during the winter when the surf is exceptional. "We feel a great
6 sense of community here and we need to protect it. I can tell you about places
7 that get overrun by outsiders." Russi even attempts to blame the harassment
8 of Geoff Hagins by Defendant Sang Lee, Bay Boys Peter McCollum and Kelly
9 Logan: "Hagins is a real troublemaker. He's a bully. He came e down with a
10 gang of kids, including a Boogie boarder. There's never been a Boogie
11 boarder at Lunada Bay."

12 Finally, Defendant Charlie Ferrara, who is the son of Defendant Frank
13 Ferrara, admitted that generations of surfers have used intimidation and even
14 violence to successfully prevent the isolated spot from becoming a crowded
15 destination. In the 13-minute recording of the conversation, Defendant
16 Charlie Ferrara is heard saying:

- 17 1. "I can't tell you can't be down here. I can't tell you can't go surfing,
18 but what I can do is I can make sure you don't have fun out there."
- 19 2. Echoing the words of his father to Surfer Magazine, he states: "if one
20 person is "cool" and gets along, then "everyone gets along, and then
21 it turns into Rincon and Malibu."
- 22 3. "My dad's 59 years old, for 59 years it's been like that; who are you
23 to come here and change something, get me?" he said. "I'm sorry to
24 say it like that, I'm not rude, but that's how they're looking at it, you
25 know?"

26 There are numerous examples of the members of Lunada Bay Boys
27 conspiring to harass and intimidate visiting surfers which are set forth in
28

1 Plaintiffs' Supplemental Disclosures and previous discovery responses
2 including but not limited to:

- 3 1. Emails from Defendant Sang Lee and others that describe Bay Boy
4 tactics to keep outsiders and non-locals from surfing Lunada Bay
5 including emails dated 1/7/2011,1/8/2011,1/17/2011.
- 6 2. On February 5, 2016, Charles Mowat sent a text message to
7 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy
8 Patch, Defendant Michael Papayans and several others that said
9 "There are 5 kooks standing on the bluff taking pictures...I think that
10 same Taloa guy. Things could get ugly." A Los Angeles Times
11 photographer captured a pictured of Defendant Blakeman of the bluff
12 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
13 and/or video tape people as a form of harassment and intimidation.
14 Plaintiffs are also informed and believe that a Lunada Bay local
15 named Joshua Bernstein was taking pictures at the MLK 2014 paddle
16 out. Plaintiffs are also informed and believe that Bernstein told several
17 people after he photographed them, "Now we know who you are."
18 Plaintiffs believe that the conduct directed at Reed by Blakeman and
19 the individual Bay Boys is because she is a woman. Plaintiff is
20 informed and believes that there are numerous text messages where
21 the Bay Boys refer to Reed as a "bitch" and make sexual comments
22 about her.
- 23 3. Emails dated January 16 and 17, 2014 that Charlie Mowatt sent to
24 Defendant Sang Lee and other Lunada Bay locals regarding plans to
25 harass Chris Taloa and visiting surfers at the MLK event in 2014

26 The specific acts directed against Reed include but are not limited to the
27 following: i) Reed went to Lunada Bay on January 29, 2016 with Jordan
28

1 Wright. Reed had intended to surf at Lunada Bay that day because the
2 conditions were such that she felt comfortable surfing. Immediately after they
3 parked their car along the bluffs, the harassment began. Several men drove
4 by and circled around their car. This was the day that she and Wright were
5 harassed and intimidated by David Melo. Blakeman was recording them on
6 land with his camera. It was very disturbing to Reed and made her feel very
7 uncomfortable. Plaintiffs are informed and believe that this was witnessed by
8 John MacHarg. ii) On or about February 12, 2016, The Los Angeles Times
9 published an article called "Bay Boys surfer gang cannot block access to
10 upscale beach, Coastal Commission says." Jordan Wright and Cory Spencer
11 are quoted in the article. Mr. Wright and a few others had planned to surf
12 Lunada Bay the following morning. Plaintiffs are informed and believe that
13 Defendants Johnston and Blakeman learned that Jordan Wright and Diana
14 Reed were going to Lunada Bay and planned to be there to harass them. On
15 February 12, 2016, Defendant Alan Johnston sent the following text
16 messages to an unknown recipient: "No fucking way Taloa is back this year"
17 and "If u really wanna be a bay boy we might meet help tomm." iii) On
18 February 13, 2016, Reed returned to Lunada Bay with Jordan Wright to watch
19 him surf and take photographs. Prior to her arrival, she contacted the Palos
20 Verdes Estates Police and requested an escort from the bluffs to the beach.
21 She was concerned about her safety given the January 29, 2016 incident. She
22 was told that the police were unavailable and no officers were present when
23 they arrived.

24 When Reed and Wright reached the beach, they encountered angry
25 locals who were yelling at them. Reed and Wright ignored the harassment and
26 Wright got into the water to surf and Reed made her way to the Rock Fort
27 where she planned to watch Wright and photograph him. Approximately two
28

1 hours after Reed had arrived at Lunada Bay, while she was standing in the
2 Rock Fort taking photos, defendant Blakeman and defendant Alan Johnston
3 rushed into the fort and ran towards her in a hostile and aggressive manner.
4 It seemed that they had coordinated and orchestrated the attack which
5 completely caught Reed off guard. Blakeman was filming Reed again, and at
6 times, held his camera right in her face. It was intimidating and harassing to
7 Reed, and she feared for her safety. Reed asked Blakeman and Johnston
8 why they were filming her, because it made her uncomfortable. Blakeman
9 responded, "because I feel like it." Johnston responded, "Because you're hot.
10 Because you're fucking sexy baby, wooh!" Johnston then opened a can of
11 beer in a purposeful way so that it sprayed Reed's arm and her camera. Reed,
12 paralyzed with fear, was unable to leave the Rock Fort as Blakeman and
13 Johnston were standing closest to the exit. iv) Plaintiffs are informed and
14 believe that after the incident Defendant Johnston started calling and/or
15 texting other Lunada Bay locals to check for police to plan a getaway. At
16 around 1:00 pm Brad Travers (Travers Tree Service) texted Johnston: "Don't
17 see any cops at the top." Plaintiffs are informed and believe that later that day
18 Johnston received a text from his mother asking him "What happened at the
19 bay?" Johnston replied "Nothing happened really just couple of trolls they got
20 nothing."

21 Spencer further identifies the following individuals as having knowledge
22 of concerted efforts by the Bay Boys:

23 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada Bay.
24 Almost instantly after they arrived at Lunada Bay, they started getting
25 harassed by Bay Boys. They were told that they couldn't surf there, and
26 Spencer was called a "kook," which is a derogatory surfing term. Spencer was
27 also told: "why don't you fucking go home, you fucking kook;" and was asked,
28

1 "how many other good places did you pass to come here?" These are the
2 same types of statements made by Defendant Sang Lee and others that can
3 be observed on the video published by the Guardian. These taunts started
4 while Spencer and Taloa were on the bluffs getting ready to surf. One
5 individual continued to heckle Spencer and Taloa on their way down to the
6 beach and into the water. Blakeman was already in the water and began
7 paddling around Spencer and Taloa in a tight circle – staying just a few feet
8 away from them. There was no legitimate reason for this conduct. Spencer
9 believes that this is a tactic used by the Bay Boys to harass people. Blakeman
10 impeded Spencer's movement in any direction and was intentionally blocking
11 him from catching any waves. It was clear to Spencer that Blakeman was not
12 there to surf that morning. Instead, his mission was to prevent Spencer and
13 Taloa from surfing and to keep them from enjoying their time in the water, the
14 open space, the waves, and nature. This type of concerted effort was
15 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
16 people from surfing at Lunada Bay. In the approximately 90 minutes that
17 Spencer was in the water that day, Blakeman was focused on Spencer and
18 Taloa and continued to shadow their movements and sit uncomfortably close
19 to them. Spencer had never experienced anything like that before in his life.
20 It was bizarre but also incredibly frightening and disturbing. It appeared to
21 Spencer that Blakeman was coordinating his actions with a group of guys who
22 were standing in the Rock Fort, along with others in the water. They were all
23 talking to each other and it was clear they all knew each other. At one point
24 while Spencer was in the water and was paddling west out to the ocean, he
25 saw a man surfing, coming in east towards the shore. The Bay Boy ran over
26 his hand/wrist that was holding his surfboard and one of the fins on his
27 surfboard sliced open his right wrist. Spencer has about a half-inch scar from
28

1 where this man ran him over. As soon as the Bay Boy ran him over, he started
2 berating Spencer, saying things like "what are you fucking doing out here? I
3 told you to go home. I should have run you over. Why are you paddling in the
4 sun glare where I can't see you?" The Bay Boy was pretending that he didn't
5 see Spencer but it was obvious that he did and intentionally ran him over. With
6 over 30 years of surfing experience, Spencer knew that this collision was
7 intentional on his part. Fearful of being further injured at that point, and not
8 wanting to get into an argument with him, Spencer just paddled away.
9 Spencer and Taloa caught one more wave after that and then decided it was
10 getting too dangerous to surf. More men started showing up at the Rock Fort
11 and Spencer and Taloa were growing increasingly fearful for their safety.
12 Spencer was also bleeding and in pain. These incidents are described in the
13 declarations filed with Plaintiffs' motion for class certification and the
14 deposition of Spencer.

15 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
16 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
17 shadowing Spencer's movement in the water. Blakeman was in the water with
18 four or five other Lunada Bay Locals. At one point, Blakeman paddled toward
19 Taloa, at which point Taloa told him that he was too close. Blakeman replied,
20 "This is the ocean. We are surfing. I can be wherever." Taloa kept moving in
21 the water, and Blakeman attempted to keep up with him but was not in good
22 enough shape to do so.

23 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
24 with Chris Claypool and Kenneth Claypool. He observed Blakeman harassing
25 Chris and Ken. Wright was sitting on the outside waiting his turn for waves.
26 By regular surfing norms, he had priority. He caught a 10- to 12foot-high wave
27 and was up riding for several seconds. Alan Johnston paddled the wrong way
28

1 on this wave, dropped in on him going the wrong way on the wave, and yelled,
2 “Oh no, you don’t!” Dropping in on a surfer while going the wrong way violates
3 normal surf etiquette. Johnston then collided with Wright, and their leashes
4 got tangled. After they surfaced from the collision, Johnston then got close to
5 Wright and yelled, “You had to fucking take that wave, didn’t you!” The next
6 wave that came through then broke Wright’s leash plug and the board was
7 carried into the rocks, which destroyed a new surfboard. Wright had to swim
8 in over rocks to get his board and cut his hands on the rocks doing so. Wright
9 is confident that Johnston attempted to purposefully injure him. What he did
10 was extremely dangerous.

11 Wright has observed Blakeman on many occasions. Blakeman is easy
12 to identify because he rides a kneeboard and he is regularly filming visitors on
13 land with a camcorder. Wright believes his filming is an effort to intimidate
14 visitors. In the water, Wright has observed what appears to be Blakeman
15 directing other Bay Boys to sit close to visiting surfers. Wright has observed
16 Bay Boys who seem to be assigned to visiting surfers—they’ll sit too close to
17 the visitors, impede their movements, block their surfing, kick at them, splash
18 water at them, and dangerously drop in on them. In addition to Blakeman, he
19 has seen Michael Papayans, Sang Lee, Alan Johnston, Charlie Ferrara, and
20 David Melo engage in this activity. These incidents are described in the
21 declarations filed with Plaintiffs’ motion for class certification.

22 Ken Claypool: has been harassed and filmed by Blakeman in an attempt
23 to intimidate him at Lunada Bay on multiple occasions. In January 2015,
24 Claypool and his brother Chris Claypool along with Jordan Wright went to surf
25 Lunada Bay. There were about five Lunada Bay locals in the water, including
26 Blakeman who paddled over and threatened them. Claypool observed
27 Blakeman intentionally drop in on Wright at least twice. On February 5, 2016,
28

1 Claypool went to Lunada Bay with Chris Taloa and Jordan Wright. There was
2 a photographer from the Los Angeles Times that was there. Also in
3 attendance was Cory Spencer and Diana Reed. Spencer was there to watch
4 the cars. Blakeman was there filming in an effort to intimidate visitors.
5 Blakeman can be seen in one of the pictures taken by the photographer. Also
6 present was Defendant Papayans.

7 Plaintiffs are informed and believe that there was a text message sent
8 that day to Papayans, Michael Thiel and 11 other people stating that there
9 were 5 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs
10 are informed that the text states: "Things could get ugly." These incidents are
11 described in the declarations filed with Plaintiffs' motion for class certification.
12 Chris Claypool: he and his brother Ken and Jordan Wright attempted to surf
13 Lunada Bay in January 2015. There were about five locals in the water,
14 including Blakeman who paddled over and was yelling, "Try and catch a wave
15 and see what happens. There is no fucking way you are getting a wave. Just
16 go in. Just go. You better not cut me off." Blakeman looked possessed or
17 possibly on drugs. His behavior got more bizarre throughout the morning. He
18 seemed to be paddling for every wave that he could physically push himself
19 into, perhaps to make a point, but he was wiping out a lot and falling down the
20 face and tumbling across the rock reef. Blakeman looked dangerous to
21 himself. When Blakeman would actually catch a wave in, he would paddle
22 back to where Claypool and his brother were sitting, and continue his insane
23 rant. On one occasion, Blakeman came less than 12 inches from Claypool's
24 ear and was screaming. It was so loud, Claypool had to put his fingers in his
25 ear to protect them from being damaged. Claypool is a sound engineer and
26 to put this in perspective, a rock concert creates about 120 decibels of noise
27 - this was louder; a jet engine creates about 150 decibels. At one point
28

1 Blakeman caught a wave and drew a line aiming right at Claypool. Another
2 Bay Boy tried the same thing and said “mother fucker” as he narrowly missed
3 Claypool’s head. Claypool watched as Blakeman intentionally dropped in on
4 Jordan at least twice. It seemed obvious to Claypool that Blakeman and the
5 other Bay Boy wanted to make sure none of them were having fun. Because
6 of the danger, they decided to leave. When Claypool and his brother got out
7 of water, they saw people gathering on top of the cliff. One person was
8 videotaping them from the top of the cliff; it was clear to Claypool that he was
9 doing this to try and intimidate them. The people were watching them from the
10 cliff. It was obvious that Blakeman engaged in a concerted effort with other
11 Bay Boys to obstruct his free passage and use in the customary manner of a
12 public space. It also seemed clear that Blakeman engaged in a concerted
13 effort with other Bay Boys to try and injure him. These incidents are described
14 in the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by two
16 local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for class
19 certification. Plaintiffs are informed and believe and on that basis allege that
20 Defendant Blakeman and his attorneys are attempting to intimidate witnesses
21 in this case.

22 The request is premature. Because the defendants are refusing to
23 comply with their obligations to produce documents under the federal rules
24 and are impermissibly withholding evidence and/or possibly spoiling
25 evidence, we are not able to fully respond to discovery requests which
26 necessarily rely on our ability to fully investigate the facts. As discovery is
27 continuing, Spencer reserves the right to update this response.

28

INTERROGATORY NO. 14:

If YOU denied any of the Requests for Admissions served by Propounding Party in this action, then for each Request for Admission denied, IDENTIFY all PERSONS with knowledge RELATING TO YOUR denial.

RESPONSE TO INTERROGATORY NO. 14:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded in an effort to circumvent the numerical

1 limitations on interrogatories provided by Federal Rule of Civil Procedure
2 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy. Responding Party will not provide any such information.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 The following Persons are identified to have knowledge of facts
12 supporting Plaintiff's denial of the Requests for Admissions, and have
13 information of the concerted efforts of the Bay Boys, are:

- 14 ▪ Diana Reed
- 15 ▪ Cory Spencer
- 16 • Christopher Taloa:
- 17 • Jordan Wright:
- 18 • Ken Claypool:
- 19 • Andy MacHarg:
- 20 • Jason Gersch:
- 21 ○ Sef Krell
- 22 ○ Geoff Hagins
- 23 ○ Peter McCullom, David Hilton, Kelly Logan, Sang Lee
- 24 ○ Officer Alex Gonzales
- 25 ○ Jim Russi
- 26
- 27
- 28

- 1 ○ David Hunt
- 2 ○ Jen Bell
- 3 ○ Chris Taloa
- 4 ○ Plaintiffs
- 5 ○ Michael Papayans,
- 6 ○ Sang Lee,
- 7 ○ Alan Johnston,
- 8 ○ Charlie Ferrara,
- 9 ○ David Melo
- 10 ○ Ken Claypool
- 11 ○ Chris Claypool
- 12 ○ Jordan Wright
- 13 ○ Jason Gretch

14 The request is premature. Because the defendants are refusing to
15 comply with their obligations to produce documents under the federal rules
16 and are impermissibly withholding evidence and/or possibly spoiling
17 evidence, we are not able to fully respond to discovery requests which
18 necessarily rely on our ability to fully investigate the facts. As discovery is
19 continuing, Reed reserves the right to update this response.

20 **INTERROGATORY NO. 15:**

21 If YOU denied any of the Requests for Admissions served by
22 Propounding Party in this action, then for each Request for Admission

1 denied, IDENTIFY **all DOCUMENTS** RELATING TO YOUR denial.

2 **RESPONSE TO INTERROGATORY NO. 15:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.”).

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Ms. Reed on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This “interrogatory” contains multiple impermissible subparts, which
22 Propounding Party has propounded in an effort to circumvent the numerical
23 limitations on interrogatories provided by Federal Rule of Civil Procedure
24 33(a)(1).

25 Responding Party further objects to this interrogatory on the grounds
26 that it seeks information that is outside of Responding Party’s knowledge.

27 Responding Party further objects to the extent that this interrogatory
28

1 invades attorney-client privilege and/or violates the work product doctrine by
2 compelling Responding Party to disclose privileged communications and/or
3 litigation strategy. Responding Party will not provide any such information.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 **Documents which relate to or support Plaintiff's denial of the Requests**
7 **for Admissions are the following:**

- 8 ■ DR- 95-0062,
- 9 ○ DR 95-031, and
- 10 ○ DR- 14-01520,
- 11 ○ "People Who Surf," December 1991 edition of Surfer Magazine,
- 12 March 1992 edition of Surfer Magazine,
- 13 ○ May 5, 1995 article published in the Easy Reader entitled "A Bay
- 14 Boy Explains localism: 'A Great Sense of Community here'
- 15 ○ 13-minute recording of the conversation, Defendant Charlie
- 16 Ferrara,
- 17 ○ Emails from Defendant Sang Lee and others that describe Bay
- 18 Boy tactics to keep outsiders and non-locals from surfing Lunada
- 19 Bay including emails dated 1/7/2011,1/8/2011,1/17/2011,
- 20 ○ Phone records from Defendant Sang Lee, Phone records from
- 21 Defendant Alan Johnston, and Declarations produced in support
- 22 of plaintiff's motion for class certification.

23 The request is premature. Because the defendants are refusing to
24 comply with their obligations to produce documents under the federal rules
25 and are impermissibly withholding evidence and/or possibly spoiling
26 evidence, we are not able to fully respond to discovery requests which
27 necessarily rely on our ability to fully investigate the facts. As discovery is
28

1 continuing, Reed reserves the right to update this response.

2

3 DATED: June 5, 2017

OTTEN LAW, PC

4

5

6

By: /s/Victor Otten

7

VICTOR OTTEN

8

KAVITA TEKCHANDANI

9

Attorneys for Plaintiffs

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CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

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PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER RESPONSE TO SECOND SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER'S
RESPONSE TO SECOND SET OF
REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT
CHARLIE FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF CORY SPENCER'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT CHARLIE FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Cory Spencer

SET NO.: Two

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Cory Spencer
("Responding Party") submits these responses and objections to the Second
Set of Requests for Production propounded by Defendant Charlie Ferrara
("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Production.
Responding Party has not completed his investigation of the facts relating to

1 this case, his discovery or his preparation for trial. All responses and
2 objections contained herein are based only upon such information and such
3 documents that are presently available to and specifically known by
4 Responding Party. It is anticipated that further discovery, independent
5 investigation, legal research and analysis will supply additional facts and add
6 meaning to known facts, as well as establish entirely new factual
7 conclusions and legal contentions, all of which may lead to substantial
8 additions to, changes in and variations from the responses set forth herein.
9 The following objections and responses are made without prejudice to
10 Responding Party's right to produce at trial, or otherwise, evidence
11 regarding any subsequently discovered documents. Responding Party
12 accordingly reserves the right to modify and amend any and all responses
13 herein as research is completed and contentions are made.

14 **GENERAL OBJECTIONS TO REQUESTS FOR PRODUCTION**

15 Responding Party generally objects to the Requests for Production as
16 follows:

17 A. Responding Party objects generally to the Requests for
18 Production to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;

21 B. Responding Party objects generally to the Requests for
22 Production to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 C. Responding Party objects generally to the Requests for
3 Production to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them, and to produce
5 documents in accordance therewith, would require the review and
6 compilation of information from multiple locations, and voluminous records
7 and files, thereby involving substantial time of employees of Responding
8 Party and great expense to Responding Party, whereas the information
9 sought to be obtained by Propounding Party would be of little use or benefit
10 to Propounding Party;

11 D. Responding Party objects generally to the Requests for
12 Production to the extent that they are vague, uncertain and overbroad, being
13 without limitation as to time or specific subject matter;

14 E. Responding Party objects generally to the Requests for
15 Production to the extent that they seek information at least some of which is
16 protected by the attorney-client privilege or the attorney work-product
17 doctrine, or both;

18 F. Responding Party objects generally to the Requests for
19 Production to the extent that they seek to have Plaintiff furnish information
20 and identify documents that are a matter of the public record, and therefore,
21 are equally available to the propounding party as they are to Responding
22 Party; and

23 G. Responding Party objects generally to the Requests for
24 Production to the extent that they seek to have Responding Party furnish
25 information and identify documents that are proprietary to Responding Party
26 and contain confidential information.

27 Without waiver of the foregoing, Responding Party further responds as
28

1 follows:

2 **RESPONSES TO REQUESTS FOR PRODUCTION**

3 **REQUEST FOR PRODUCTION NO. 13:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 3 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 **REQUEST FOR PRODUCTION NO. 14:**

10 If YOUR response to Propounding Party's Request for Admission No.
11 6 was anything other than an unqualified admission, produce each and
12 every DOCUMENT RELATING TO said response.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

14 Responding Party objects to this request for production as premature.
15 Because this request for production necessarily relies upon a contention,
16 Responding Party is unable to provide a complete response at this time, nor
17 is it required to do so.

18 Responding Party further objects to this request on the grounds that it
19 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
20 with reasonable particularity each item or category of items to be inspected."
21 Propounding Party's request for production does not describe an item or
22 category of items with reasonable particularity.

23 Responding Party further objects to the extent that this request for
24 production invades attorney-client privilege and/or violates the work product
25 doctrine by compelling Responding Party to disclose privileged
26 communications and/or litigation strategy. Responding Party will not provide
27 any such privileged information.

28

1 Responding Party further objects to this request on the grounds that
2 this information is equally available to the Requesting Party, and some of the
3 documents are publically available.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 Responding Party directs the Defendant to Plaintiff's previous
7 productions. For any responsive documents, not already produced in
8 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
9 (Responsive documents are collectively attached hereto as Exhibit A).

10 Additionally, Responding Party notes that discovery is ongoing, and
11 this contention-based interrogatory is poorly defined and premature. Thus,
12 Responding Party reserves the right to amend this response at the
13 appropriate time in the future if necessary.

14
15
16 **REQUEST FOR PRODUCTION NO. 15:**

17 If YOUR response to Propounding Party's Request for Admission No.
18 9 was anything other than an unqualified admission, produce each and
19 every DOCUMENT RELATING TO said response.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

21 Responding Party objects to this request for production as premature.
22 Because this request for production necessarily relies upon a contention,
23 Responding Party is unable to provide a complete response at this time, nor
24 is it required to do so.

25 Responding Party further objects to this request on the grounds that it
26 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
27 with reasonable particularity each item or category of items to be inspected."
28

1 Propounding Party's request for production does not describe an item or
2 category of items with reasonable particularity.

3 Responding Party further objects to the extent that this request for
4 production invades attorney-client privilege and/or violates the work product
5 doctrine by compelling Responding Party to disclose privileged
6 communications and/or litigation strategy. Responding Party will not provide
7 any such privileged information.

8 Responding Party further objects to this request on the grounds that
9 this information is equally available to the Requesting Party, and some of the
10 documents are publically available.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 Responding Party directs the Defendant to Plaintiff's previous
14 productions. For any responsive documents, not already produced in
15 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
16 (Responsive documents are collectively attached hereto as Exhibit A).

17 Additionally, Responding Party notes that discovery is ongoing, and
18 this contention-based interrogatory is poorly defined and premature. Thus,
19 Responding Party reserves the right to amend this response at the
20 appropriate time in the future if necessary.

21

22 **REQUEST FOR PRODUCTION NO. 16:**

23 If YOUR response to Propounding Party's Request for Admission No.
24 12 was anything other than an unqualified admission, produce each and
25 every DOCUMENT RELATING TO said response.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

27 Responding Party objects to this request for production as premature.

28

1 Because this request for production necessarily relies upon a contention,
2 Responding Party is unable to provide a complete response at this time, nor
3 is it required to do so.

4 Responding Party further objects to this request on the grounds that it
5 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
6 with reasonable particularity each item or category of items to be inspected.”
7 Propounding Party’s request for production does not describe an item or
8 category of items with reasonable particularity.

9 Responding Party further objects to the extent that this request for
10 production invades attorney-client privilege and/or violates the work product
11 doctrine by compelling Responding Party to disclose privileged
12 communications and/or litigation strategy. Responding Party will not provide
13 any such privileged information.

14 Responding Party further objects to this request on the grounds that
15 this information is equally available to the Requesting Party, and some of the
16 documents are publically available.

17 Subject to and without waiver of the foregoing objections, Responding
18 Party responds as follows:

19 Responding Party directs the Defendant to Plaintiff's previous
20 productions. For any responsive documents, not already produced in
21 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
22 (Responsive documents are collectively attached hereto as Exhibit A).

23 Additionally, Responding Party notes that discovery is ongoing, and
24 this contention-based interrogatory is poorly defined and premature. Thus,
25 Responding Party reserves the right to amend this response at the
26 appropriate time in the future if necessary.

27
28

1 **REQUEST FOR PRODUCTION NO. 17:**

2 If YOUR response to Propounding Party's Request for Admission No.
3 15 was anything other than an unqualified admission, produce each and
4 every DOCUMENT RELATING TO said response.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

6 Responding Party objects to this request for production as premature.
7 Because this request for production necessarily relies upon a contention,
8 Responding Party is unable to provide a complete response at this time, nor
9 is it required to do so.

10 Responding Party further objects to this request on the grounds that it
11 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
12 with reasonable particularity each item or category of items to be inspected."
13 Propounding Party's request for production does not describe an item or
14 category of items with reasonable particularity.

15 Responding Party further objects to the extent that this request for
16 production invades attorney-client privilege and/or violates the work product
17 doctrine by compelling Responding Party to disclose privileged
18 communications and/or litigation strategy. Responding Party will not provide
19 any such privileged information.

20 Responding Party further objects to this request on the grounds that
21 this information is equally available to the Requesting Party, and some of the
22 documents are publically available.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 Responding Party directs the Defendant to Plaintiff's previous
26 productions. For any responsive documents, not already produced in
27 Plaintiff's prior discovery responses, Plaintiff is producing such documents.

28

(Responsive documents are collectively attached hereto as Exhibit A).

Additionally, Responding Party notes that discovery is ongoing, and this contention-based interrogatory is poorly defined and premature. Thus, Responding Party reserves the right to amend this response at the appropriate time in the future if necessary.

REQUEST FOR PRODUCTION NO. 18:

If YOUR response to Propounding Party's Request for Admission No. 16 was anything other than an unqualified admission, produce each and every DOCUMENT RELATING TO said response.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Responding Party objects to this request for production as premature. Because this request for production necessarily relies upon a contention, Responding Party is unable to provide a complete response at this time, nor is it required to do so.

Responding Party further objects to this request on the grounds that it violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe with reasonable particularity each item or category of items to be inspected." Propounding Party's request for production does not describe an item or category of items with reasonable particularity.

Responding Party further objects to the extent that this request for production invades attorney-client privilege and/or violates the work product doctrine by compelling Responding Party to disclose privileged communications and/or litigation strategy. Responding Party will not provide any such privileged information.

Responding Party further objects to this request on the grounds that this information is equally available to the Requesting Party, and some of the

1 documents are publically available.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 Responding Party directs the Defendant to Plaintiff's previous
5 productions. For any responsive documents, not already produced in
6 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
7 (Responsive documents are collectively attached hereto as Exhibit A).

8 Additionally, Responding Party notes that discovery is ongoing, and
9 this contention-based interrogatory is poorly defined and premature. Thus,
10 Responding Party reserves the right to amend this response at the
11 appropriate time in the future if necessary.

12

13 **REQUEST FOR PRODUCTION NO. 19:**

14 If YOUR response to Propounding Party's Request for Admission No.
15 17 was anything other than an unqualified admission, produce each and
16 every DOCUMENT RELATING TO said response.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

18 Responding Party objects to this request for production as premature.
19 Because this request for production necessarily relies upon a contention,
20 Responding Party is unable to provide a complete response at this time, nor
21 is it required to do so.

22 Responding Party further objects to this request on the grounds that it
23 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
24 with reasonable particularity each item or category of items to be inspected."
25 Propounding Party's request for production does not describe an item or
26 category of items with reasonable particularity.

27 Responding Party further objects to the extent that this request for
28

1 production invades attorney-client privilege and/or violates the work product
2 doctrine by compelling Responding Party to disclose privileged
3 communications and/or litigation strategy. Responding Party will not provide
4 any such privileged information.

5 Responding Party further objects to this request on the grounds that
6 this information is equally available to the Requesting Party, and some of the
7 documents are publically available.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 Responding Party directs the Defendant to Plaintiff's previous
11 productions. For any responsive documents, not already produced in
12 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
13 (Responsive documents are collectively attached hereto as Exhibit A).

14 Additionally, Responding Party notes that discovery is ongoing, and
15 this contention-based interrogatory is poorly defined and premature. Thus,
16 Responding Party reserves the right to amend this response at the
17 appropriate time in the future if necessary.

18
19 **REQUEST FOR PRODUCTION NO. 20:**

20 If YOUR response to Propounding Party's Request for Admission No.
21 18 was anything other than an unqualified admission, produce each and
22 every DOCUMENT RELATING TO said response.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Responding Party objects to this request for production as premature.
25 Because this request for production necessarily relies upon a contention,
26 Responding Party is unable to provide a complete response at this time, nor
27 is it required to do so.

28

1 Responding Party further objects to this request on the grounds that it
2 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
3 with reasonable particularity each item or category of items to be inspected.”
4 Propounding Party’s request for production does not describe an item or
5 category of items with reasonable particularity.

6 Responding Party further objects to the extent that this request for
7 production invades attorney-client privilege and/or violates the work product
8 doctrine by compelling Responding Party to disclose privileged
9 communications and/or litigation strategy. Responding Party will not provide
10 any such privileged information.

11 Responding Party further objects to this request on the grounds that
12 this information is equally available to the Requesting Party, and some of the
13 documents are publically available.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 Responding Party directs the Defendant to Plaintiff's previous
17 productions. For any responsive documents, not already produced in
18 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
19 (Responsive documents are collectively attached hereto as Exhibit A).

20 Additionally, Responding Party notes that discovery is ongoing, and
21 this contention-based interrogatory is poorly defined and premature. Thus,
22 Responding Party reserves the right to amend this response at the
23 appropriate time in the future if necessary.

24
25 **REQUEST FOR PRODUCTION NO. 21:**

26 If YOUR response to Propounding Party’s Request for Admission No.
27 19 was anything other than an unqualified admission, produce each and
28

1 every DOCUMENT RELATING TO said response.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

3 Responding Party objects to this request for production as premature.
4 Because this request for production necessarily relies upon a contention,
5 Responding Party is unable to provide a complete response at this time, nor
6 is it required to do so.

7 Responding Party further objects to this request on the grounds that it
8 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
9 with reasonable particularity each item or category of items to be inspected.”
10 Propounding Party’s request for production does not describe an item or
11 category of items with reasonable particularity.

12 Responding Party further objects to the extent that this request for
13 production invades attorney-client privilege and/or violates the work product
14 doctrine by compelling Responding Party to disclose privileged
15 communications and/or litigation strategy. Responding Party will not provide
16 any such privileged information.

17 Responding Party further objects to this request on the grounds that
18 this information is equally available to the Requesting Party, and some of the
19 documents are publically available.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 Responding Party directs the Defendant to Plaintiff's previous
23 productions. For any responsive documents, not already produced in
24 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
25 (Responsive documents are collectively attached hereto as Exhibit A).

26 Additionally, Responding Party notes that discovery is ongoing, and
27 this contention-based interrogatory is poorly defined and premature. Thus,
28

1 Responding Party reserves the right to amend this response at the
2 appropriate time in the future if necessary.

3
4 **REQUEST FOR PRODUCTION NO. 22:**

5 If YOUR response to Propounding Party's Request for Admission No.
6 20 was anything other than an unqualified admission, produce each and
7 every DOCUMENT RELATING TO said response.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

9 Responding Party objects to this request for production as premature.
10 Because this request for production necessarily relies upon a contention,
11 Responding Party is unable to provide a complete response at this time, nor
12 is it required to do so.

13 Responding Party further objects to this request on the grounds that it
14 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
15 with reasonable particularity each item or category of items to be inspected."
16 Propounding Party's request for production does not describe an item or
17 category of items with reasonable particularity.

18 Responding Party further objects to the extent that this request for
19 production invades attorney-client privilege and/or violates the work product
20 doctrine by compelling Responding Party to disclose privileged
21 communications and/or litigation strategy. Responding Party will not provide
22 any such privileged information.

23 Responding Party further objects to this request on the grounds that
24 this information is equally available to the Requesting Party, and some of the
25 documents are publically available.

26 Subject to and without waiver of the foregoing objections, Responding
27 Party responds as follows:

1 Responding Party directs the Defendant to Plaintiff's previous
2 productions. For any responsive documents, not already produced in
3 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
4 (Responsive documents are collectively attached hereto as Exhibit A).

5 Additionally, Responding Party notes that discovery is ongoing, and
6 this contention-based interrogatory is poorly defined and premature. Thus,
7 Responding Party reserves the right to amend this response at the
8 appropriate time in the future if necessary.

9
10

11 **REQUEST FOR PRODUCTION NO. 23:**

12 If YOUR response to Propounding Party's Request for Admission No.
13 21 was anything other than an unqualified admission, produce each and
14 every DOCUMENT RELATING TO said response.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

16 Responding Party objects to this request for production as premature.
17 Because this request for production necessarily relies upon a contention,
18 Responding Party is unable to provide a complete response at this time, nor
19 is it required to do so.

20 Responding Party further objects to this request on the grounds that it
21 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
22 with reasonable particularity each item or category of items to be inspected."
23 Propounding Party's request for production does not describe an item or
24 category of items with reasonable particularity.

25 Responding Party further objects to the extent that this request for
26 production invades attorney-client privilege and/or violates the work product
27 doctrine by compelling Responding Party to disclose privileged

28

1 communications and/or litigation strategy. Responding Party will not provide
2 any such privileged information.

3 Responding Party further objects to this request on the grounds that
4 this information is equally available to the Requesting Party, and some of the
5 documents are publically available.

6 Subject to and without waiver of the foregoing objections, Responding
7 Party responds as follows:

8 Responding Party directs the Defendant to Plaintiff's previous
9 productions. For any responsive documents, not already produced in
10 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
11 (Responsive documents are collectively attached hereto as Exhibit A).

12 Additionally, Responding Party notes that discovery is ongoing, and
13 this contention-based interrogatory is poorly defined and premature. Thus,
14 Responding Party reserves the right to amend this response at the
15 appropriate time in the future if necessary.

16
17 **REQUEST FOR PRODUCTION NO. 24:**

18 If YOUR response to Propounding Party's Request for Admission No.
19 22 was anything other than an unqualified admission, produce each and
20 every DOCUMENT RELATING TO said response.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

22 Responding Party objects to this request for production as premature.
23 Because this request for production necessarily relies upon a contention,
24 Responding Party is unable to provide a complete response at this time, nor
25 is it required to do so.

26 Responding Party further objects to this request on the grounds that it
27 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
28

1 with reasonable particularity each item or category of items to be inspected.”
2 Propounding Party’s request for production does not describe an item or
3 category of items with reasonable particularity.

4 Responding Party further objects to the extent that this request for
5 production invades attorney-client privilege and/or violates the work product
6 doctrine by compelling Responding Party to disclose privileged
7 communications and/or litigation strategy. Responding Party will not provide
8 any such privileged information.

9 Responding Party further objects to this request on the grounds that
10 this information is equally available to the Requesting Party, and some of the
11 documents are publically available.

12 Subject to and without waiver of the foregoing objections, Responding
13 Party responds as follows:

14 Responding Party directs the Defendant to Plaintiff's previous
15 productions. For any responsive documents, not already produced in
16 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
17 (Responsive documents are collectively attached hereto as Exhibit A).

18 Additionally, Responding Party notes that discovery is ongoing, and
19 this contention-based interrogatory is poorly defined and premature. Thus,
20 Responding Party reserves the right to amend this response at the
21 appropriate time in the future if necessary.

22
23 **REQUEST FOR PRODUCTION NO. 25:**

24 If YOUR response to Propounding Party’s Request for Admission No.
25 23 was anything other than an unqualified admission, produce each and
26 every DOCUMENT RELATING TO said response.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Responding Party objects to this request for production as premature. Because this request for production necessarily relies upon a contention, Responding Party is unable to provide a complete response at this time, nor is it required to do so.

Responding Party further objects to this request on the grounds that it violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe with reasonable particularity each item or category of items to be inspected.” Propounding Party’s request for production does not describe an item or category of items with reasonable particularity.

Responding Party further objects to the extent that this request for production invades attorney-client privilege and/or violates the work product doctrine by compelling Responding Party to disclose privileged communications and/or litigation strategy. Responding Party will not provide any such privileged information.

Responding Party further objects to this request on the grounds that this information is equally available to the Requesting Party, and some of the documents are publically available.

Subject to and without waiver of the foregoing objections, Responding Party responds as follows:

Responding Party directs the Defendant to Plaintiff's previous productions. For any responsive documents, not already produced in Plaintiff’s prior discovery responses, Plaintiff is producing such documents. (Responsive documents are collectively attached hereto as Exhibit A).

Additionally, Responding Party notes that discovery is ongoing, and this contention-based interrogatory is poorly defined and premature. Thus, Responding Party reserves the right to amend this response at the

1 appropriate time in the future if necessary.

2
3 **REQUEST FOR PRODUCTION NO. 26:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 24 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 **REQUEST FOR PRODUCTION NO. 27:**

10 If YOUR response to Propounding Party's Request for Admission No.
11 25 was anything other than an unqualified admission, produce each and
12 every DOCUMENT RELATING TO said response.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

14 Responding Party objects to this request for production as premature.
15 Because this request for production necessarily relies upon a contention,
16 Responding Party is unable to provide a complete response at this time, nor
17 is it required to do so.

18 Responding Party further objects to this request on the grounds that it
19 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
20 with reasonable particularity each item or category of items to be inspected."
21 Propounding Party's request for production does not describe an item or
22 category of items with reasonable particularity.

23 Responding Party further objects to the extent that this request for
24 production invades attorney-client privilege and/or violates the work product
25 doctrine by compelling Responding Party to disclose privileged
26 communications and/or litigation strategy. Responding Party will not provide
27 any such privileged information.

28

1 Responding Party further objects to this request on the grounds that
2 this information is equally available to the Requesting Party, and some of the
3 documents are publically available.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 Responding Party directs the Defendant to Plaintiff's previous
7 productions. For any responsive documents, not already produced in
8 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
9 (Responsive documents are collectively attached hereto as Exhibit A).

10 Additionally, Responding Party notes that discovery is ongoing, and
11 this contention-based interrogatory is poorly defined and premature. Thus,
12 Responding Party reserves the right to amend this response at the
13 appropriate time in the future if necessary.

14
15 DATED: May 31, 2017

OTTEN LAW, PC

16
17
18 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

CORY SPENCER, DIANA MILENA

REED, and COASTAL PROTECTION

RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF CORY SPENCER'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

| | |
|---------------------------------|---|
| Robert T. Mackey, Esq. | <i>(Attorneys for Defendant BRANT</i> |
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CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT
CHARLIE FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff
Diana Milena Reed ("Responding Party") hereby submits these objections
and responses to the First Set of Requests for Admission propounded by
Defendant Charlie Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact or
document, or of the truth or accuracy of any characterization or statement of
any kind contained in Propounding Party's Requests for Admission.

Responding Party has not completed her investigation of the facts relating to

1 this case, her discovery or her preparation for trial. All responses and
2 objections contained herein are based only upon information that is
3 presently available to and specifically known by Responding Party. It is
4 anticipated that further discovery, independent investigation, legal research
5 and analysis will supply additional facts and add meaning to known facts, as
6 well as establish entirely new factual conclusions and legal contentions, all
7 of which may lead to substantial additions to, changes in and variations from
8 the responses set forth herein. The following objections and responses are
9 made without prejudice to Responding Party's right to produce at trial, or
10 otherwise, evidence regarding any subsequently discovered information.
11 Responding Party accordingly reserves the right to modify and amend any
12 and all responses herein as research is completed and contentions are
13 made.

14 **GENERAL OBJECTIONS**

15 Responding Party generally objects to the Requests for Admission as
16 follows:

- 17 1. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;
- 21 2. Responding Party objects generally to the Requests for
22 Admission to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 3. Responding Party objects generally to the Requests for
3 Admission to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them would require the
5 review and compilation of information from multiple locations, and
6 voluminous records and files, thereby involving substantial time of
7 employees of Responding Party and great expense to Responding Party,
8 whereas the information sought to be obtained by Propounding Party would
9 be of little use or benefit to Propounding Party;

10 4. Responding Party objects generally to the Requests for
11 Admission to the extent that they are vague, uncertain and overbroad, being
12 without limitation as to time or specific subject matter;

13 5. Responding Party objects generally to the Requests for
14 Admission to the extent that they seek information at least some of which is
15 protected by the attorney-client privilege or the attorney work-product
16 doctrine, or both;

17 6. Responding Party objects generally to the Requests for
18 Admission to the extent that they seek to have Responding Party furnish
19 information that is a matter of the public record, and therefore, is equally
20 available to the propounding party as to Responding Party; and

21 7. Responding Party objects generally to the Requests for
22 Admission to the extent that they seek to have Responding Party furnish
23 information that is proprietary to Responding Party and contain confidential
24 information.

25 8. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
28

1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO REQUESTS FOR ADMISSION**

5 **REQUEST FOR ADMISSION NO. 1:**

6 Admit YOU have no facts that support YOUR First Cause of Action for
7 Bane Act against Propounding Party as alleged in YOUR COMPLAINT.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

10
11 **REQUEST FOR ADMISSION NO. 2:**

12 Admit YOU can IDENTIFY no PERSONS with knowledge to support
13 YOUR First Cause of Action for Bane Act against Propounding Party as
14 alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

17
18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR First
20 Cause of Action for Bane Act against Propounding Party as alleged in
21 YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24
25 **REQUEST FOR ADMISSION NO. 4:**

26 Admit YOU have no facts that support YOUR Second Cause of Action
27 for Public Nuisance against Propounding Party as alleged in YOUR
28

1 COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 5:**

6 Admit YOU can IDENTIFY no PERSONS with knowledge to support
7 YOUR Second Cause of Action for Public Nuisance against Propounding
8 Party as alleged in YOUR COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 6:**

13 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
14 Second Cause of Action for Public Nuisance against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 7:**

20 Admit YOU have no facts that support YOUR Sixth Cause of Action for
21 Assault against Propounding Party as alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

24

25 **REQUEST FOR ADMISSION NO. 8:**

26 Admit YOU can IDENTIFY no PERSONS with knowledge to support
27 YOUR Sixth Cause of Action for Assault against Propounding Party as
28

1 alleged in YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

5 **REQUEST FOR ADMISSION NO. 9:**

6 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Sixth
7 Cause of Action for Assault against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

12 **REQUEST FOR ADMISSION NO. 10:**

13 Admit YOU have no facts that support YOUR Seventh Cause of Action
14 for Battery against Propounding Party as alleged in YOUR COMPLAINT.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

16 Without waiving set objections, Plaintiff responds as follows: Denial

18 **REQUEST FOR ADMISSION NO. 11:**

19 Admit YOU can IDENTIFY no PERSONS with knowledge to support
20 YOUR Seventh Cause of Action for Battery against Propounding Party as
21 alleged in YOUR COMPLAINT.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

23 Without waiving set objections, Plaintiff responds as follows: Denial

25 **REQUEST FOR ADMISSION NO. 12:**

26 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR
27 Seventh Cause of Action for Battery against Propounding Party as alleged in
28

1 YOUR COMPLAINT.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 13:**

6 Admit YOU have no facts that support YOUR Eighth Cause of Action
7 for Negligence against Propounding Party as alleged in YOUR
8 COMPLAINT.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

10 Without waiving set objections, Plaintiff responds as follows: Denial

11

12 **REQUEST FOR ADMISSION NO. 14:**

13 Admit YOU can IDENTIFY no PERSONS with knowledge to support
14 YOUR Eighth Cause of Action for Negligence against Propounding Party as
15 alleged in YOUR COMPLAINT.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

17 Without waiving set objections, Plaintiff responds as follows: Denial

18

19 **REQUEST FOR ADMISSION NO. 15:**

20 Admit YOU can IDENTIFY no DOCUMENTS to support YOUR Eighth
21 Cause of Action for Negligence against Propounding Party as alleged in
22 YOUR COMPLAINT.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 Without waiving set objections, Plaintiff responds as follows: Denial

25

26 **REQUEST FOR ADMISSION NO. 16:**

27 Admit that, prior to filing YOUR COMPLAINT, YOU never met

28

1 Propounding Party.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

3 Without waiving set objections, Plaintiff responds as follows: Denial

4

5 **REQUEST FOR ADMISSION NO. 17:**

6 Admit Propounding Party has never harassed YOU.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

8 Without waiving set objections, Plaintiff responds as follows: Denial

9

10 **REQUEST FOR ADMISSION NO. 18:**

11 Admit Propounding Party has never caused YOU any pain or suffering.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

13 Without waiving set objections, Plaintiff responds as follows: Denial

14

15 **REQUEST FOR ADMISSION NO. 19:**

16 Admit YOU have no personal knowledge of Propounding Party ever
17 being involved in any incident of harassment at Lunada Bay at any time.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

19 Without waiving set objections, Plaintiff responds as follows: Denial

20

21 **REQUEST FOR ADMISSION NO. 20:**

22 Admit YOU have no personal knowledge of Propounding Party ever
23 being involved in any incident of violence at Lunada Bay at any time.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

25 Without waiving set objections, Plaintiff responds as follows: Denial

26

27

28

1 **REQUEST FOR ADMISSION NO. 21:**

2 Admit YOU have no personal knowledge of Propounding Party ever
3 being involved in any incident of vandalism at Lunada Bay at any time.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

5 Without waiving set objections, Plaintiff responds as follows: Denial
6

7 **REQUEST FOR ADMISSION NO. 22:**

8 Admit that Propounding Party, Frank Ferrara, is not the “dad” or
9 “father” referenced and/or mentioned by the male individual in the audio
10 recording YOU identified at Volume One, Page 18 of YOUR deposition
11 taken in this matter on October 24, 2016. (A true and correct copy of Page
12 18, Volume One of YOUR deposition is attached hereto as Exhibit A.)

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

14 Without waiving set objections, Plaintiff responds as follows: Denial
15

16 **REQUEST FOR ADMISSION NO. 23:**

17 Admit YOU have no personal knowledge that Propounding Party,
18 Frank Ferrara, is the “dad” or “father” referenced and/or mentioned by the
19 male individual in the audio recording that YOU identified at Volume One,
20 Page 18 of YOUR deposition taken in this matter on October 24, 2016.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

22 Without waiving set objections, Plaintiff responds as follows: Denial
23

24 **REQUEST FOR ADMISSION NO. 24:**

25 Admit YOU have never seen Propounding Party at Lunada Bay at any
26 time YOU have visited Lunada Bay at any location of Lunada Bay.
27
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

2 Without waiving set objections, Plaintiff responds as follows: Denial

4 **REQUEST FOR ADMISSION NO. 25**

5 Admit YOU have no personal knowledge of Propounding Party ever being involved
6 in any incident of vandalism at Lunada Bay at any time.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

8 Without waiving set objections, Plaintiff responds as follows: Denial

10 **REQUEST FOR ADMISSION NO. 26**

11 Admit YOU have no personal knowledge of Defendant Frank Ferrara's occupation
12 in and around the time of the recording that YOU identified at Volume 1 page 18 of
13 YOUR deposition taken in this matter on October 24, 2016

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

15 Without waiving set objections, Plaintiff responds as follows: Denial

17 **REQUEST FOR ADMISSION NO. 27**

18 Admit YOU have no personal knowledge of the city where Propounding Party
19 resided in and around the time YOU identified at Volume 1 page 18 of YOUR
20 deposition taken in this matter on October 24, 2016

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

22 Without waiving set objections, Plaintiff responds as follows: Denial

24 **REQUEST FOR ADMISSION NO. 28**

25 Admit YOU have no personal knowledge of the city where Defendant Frank Ferrara
26 resided in and around the time of the audio recording that YOU identified at Volume
27 1 page 18 of YOUR deposition taken in this matter on October 24, 2016

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

2 Without waiving set objections, Plaintiff responds as follows: Denial

4 **REQUEST FOR ADMISSION NO. 29**

5 Admit Propounding Party, Charlie Ferrara, is the cousin referenced and/or
6 mentioned by the male individual in the audio recording that you identified at
7 Volume 1, page 18 of YOUR deposition taken in this matter on October 24, 2016.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

9 Without waiving set objections, Plaintiff responds as follows: Denial

12 DATED: May 31, 2017

OTTEN LAW, PC

15 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California

Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO THIRD SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT CHARLIE
FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANT FRANK FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: Three (3)

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
Diana Milena Reed ("Responding Party") hereby submits these objections
and responses to the Second Set of Interrogatories propounded by
Defendant Charlie Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by
Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed her investigation of the facts relating to this case, her discovery or

her preparation for trial. All responses and objections contained herein are based only upon information that is presently available to and specifically known by Responding Party. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the responses set forth herein. The following objections and responses are made without prejudice to Responding Party's right to produce at trial, or otherwise, evidence regarding any subsequently discovered information. Responding Party accordingly reserves the right to modify and amend any and all responses herein as research is completed and contentions are made.

GENERAL OBJECTIONS

Responding Party generally objects to the Interrogatories as follows:

1. Responding Party objects generally to the Interrogatories to the extent that they seek to elicit information that is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence;

2. Responding Party objects generally to the Interrogatories to the extent that they are unreasonably overbroad in scope, and thus burdensome and oppressive, in that each such request seeks information pertaining to items and matters that are not relevant to the subject matter of this action, or, if relevant, so remote therefrom as to make its disclosure of little or no practical benefit to Propounding Party, while placing a wholly unwarranted burden and expense on Responding Party in locating, reviewing and producing the requested information;

3. Responding Party objects generally to the Interrogatories to the

1 extent that they are burdensome and oppressive, in that ascertaining the
2 information necessary to respond to them would require the review and
3 compilation of information from multiple locations, and voluminous records
4 and files, thereby involving substantial time of employees of Responding
5 Party and great expense to Responding Party, whereas the information
6 sought to be obtained by Propounding Party would be of little use or benefit
7 to Propounding Party;

8 4. Responding Party objects generally to the Interrogatories to the
9 extent that they are vague, uncertain and overbroad, being without limitation
10 as to time or specific subject matter;

11 5. Responding Party objects generally to the Interrogatories to the
12 extent that they seek information at least some of which is protected by the
13 attorney-client privilege or the attorney work-product doctrine, or both;

14 6. Responding Party objects generally to the Interrogatories to the
15 extent that they seek to have Responding Party furnish information that is a
16 matter of the public record, and therefore, is equally available to the
17 propounding party as to Responding Party; and

18 7. Responding Party objects generally to the Interrogatories to the
19 extent that they seek to have Responding Party furnish information that is
20 proprietary to Responding Party and contain confidential information.

21 8. Responding Party objects to the interrogatories, and to any
22 individual interrogatory set forth therein, to the extent that they are
23 compound and constitute an impermissible effort to circumvent the 25
24 interrogatory limit set by Rule 33 of the Federal Rules of Civil Procedure.

25 9. Responding Party expressly incorporates each of the foregoing
26 General Objections into each specific response to the requests set forth
27 below as if set forth in full therein. An answer to a request is not intended to
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1 be a waiver of any applicable specific or general objection to such request.

2 Without waiver of the foregoing, Responding Party further responds as
3 follows:

4 **RESPONSES TO INTERROGATORIES**

5 **INTERROGATORY NO. 13:**

6 If YOU denied any of the Requests for Admissions served by
7 Propounding Party in this action, then for each Request for Admission
8 denied, state all facts RELATING TO YOUR denial.

9 **RESPONSE TO INTERROGATORY NO. 13:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Ms. Reed on this topic.

27 Responding Party further objects to this interrogatory as compound.
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1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded in an effort to circumvent the numerical
3 limitations on interrogatories provided by Federal Rule of Civil Procedure
4 33(a)(1).

5 Responding Party further objects to this interrogatory on the grounds
6 that it seeks information that is outside of Responding Party's knowledge.

7 Responding Party further objects to the extent that this interrogatory
8 invades attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such information.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 **Facts Supporting Denial of RFA Nos. 1-29:**

14 The Complaint alleges that Defendant Lunada Bay Boys is an
15 unincorporated association within the meaning of Code of Civil Procedure §
16 369.5 acting by and through its respective members and associates.
17 Defendant Lunada Bay Boys acts by and through its respective members,
18 individually, collectively, and in concert, and conducts its affairs and
19 activities in the City of Palos Verdes Estates, County of Los Angeles, State
20 of California. Defendant Lunada Bay Boys claims gang territory, or "turf"
21 within the City of Palos Verdes Estates' Lunada Bay neighborhood (Lunada
22 Bay). The Lunada Bay Boys have received benefits from holding itself out to
23 the public as an entity. The Lunada Bay Boys functions under circumstances
24 where "fairness requires that the group be recognized as a legal entity."

25 The Complaint further alleges that Defendant Lunada Bay Boys are
26 criminal street gang as defined in California Penal Code § 186.22,
27 subdivision (f), in as much as it is a group of three or more individuals with a
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1 common name or common symbol and whose members, individually or
2 collectively, engage in or have engaged in a pattern of criminal gang activity,
3 and has as one of its primary activities the commission of enumerated
4 “predicate crimes,” including but not limited to assault, battery, vandalism,
5 intimidation, harassment, upon information and belief, the sale and use of
6 illegal controlled substances.

7 The Complaint alleges that Defendant Lunada Bay Boys use the
8 unpermitted Rock Fort to conduct criminal activity.

9 The Complaint also alleges that Defendant Lunada Bay Boys is also
10 an unincorporated association within the meaning of Corporations Code §
11 18035, subdivision (a), inasmuch it consists of two or more individuals joined
12 by mutual consent for some common lawful purposes, such a attending
13 social gatherings, and recreational events. However, notwithstanding any
14 common lawful purpose, Defendant Lunada Bay Boys is a criminal gang
15 whose members are primarily engaged in criminal and nuisance activities
16 which constitute Bane Act violations and a public nuisance.

17 Defendant Lunada Bay Boys is comprised of members including, but
18 not limited to Sang Lee, Brant Blakeman, Angelo Ferrara, Frank Ferrara,
19 Nicholas Ferrara, Charlie Ferrara, Michael Rae Papayans, Alan Johnston
20 aka Jalian Johnston, each of whom has been within the Lunada Bay and is
21 responsible in some manner for the Bane Act violations and public nuisance
22 described in this Complaint.

23 Plaintiffs’ first Claim is for an injunction and equitable relief under Civil
24 Code § 52.1(b). Some of the facts that support the claim include:

25 Some of the acts committed by the Lunada Bay Boys include:

26 1. On January 22, 1995, a Brazilian surfer was accosted by several
27 Lunada Bay Boys including David Hilton. The Brazilian surfer reported to the
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1 police that suspect #1 told him angrily, "If you go out, no more car, no more
2 tires, no more glass, your car will be trash." He said that the suspect #1 was
3 much taller and bigger than he was and he was afraid of the suspect. He
4 said he backed away from suspect #1 and suspect #2 walked up to him and
5 deliberately knocked his surfboard into his [surfboard]. He said the suspect
6 #2 told him, "If you cross, I will fight you. I will break your face." He said he
7 was afraid that suspect would hurt him and backed away from him. He said
8 the suspect #3 yelled at him, "Fuck Brazil." The Brazilian surfer told the
9 police that approximately 15 other Lunada Bay Boys were standing around
10 them. He said he was fearful that he and his friends were going to be hurt,
11 went back to their car, drove to a local gas station and called the police.

12 2. On March 13, 1995, Geoff Hagins and five 9 juveniles and
13 another adult were assaulted at Lunada Bay by Peter McCullom. Plaintiffs
14 are informed and believe that David Hilton, Kelly Logan, Sang Lee and
15 others were also part of the incident. Geoff Hagins called Ed Jaakola prior to
16 going to surf and informed him. The police records are redacted but the
17 paper reports: Peter McCollum, David Hilton, Defendant Sang Lee and Kelly
18 Hogan.

19 3. On February 17, 2014, an unknown individual reports to Officer
20 Alex Gonzales: that he arrived at the 2300 block of Paseo Del Mar with the
21 intention of surfing. Before he was able to collect his gear and walk down the
22 trail to the beach, he was confronted by two unknown individuals who
23 started to harass him. The subjects told he was not allowed to surf at
24 Lunada Bay, and if he proceeded persisted to do so, they would follow him
25 into the water to block his waves and run their surfboards into him.

26 4. On November 15, 2014, Sef Krell attempts to surf Lunada Bay.
27 As he walks down the trail, dirt clods and rocks are thrown at him.
28

1 The Complaint also alleges a civil conspiracy amount the Defendants
2 and other individuals.

3 Diana Reed: believes that members of the Lunada Bay Boys engaged
4 in a concerted effort with other Bay Boys to obstruct the plaintiffs' and the
5 publics' free passage and use in the customary manner of a public space.
6 Reed also believes that members of the Bay Boys harass and assault the
7 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
8 that the conduct directed at the plaintiffs and others trying to surf Lunada
9 Bay is part of an agreement among Defendant Ferrara and the other Bay
10 Boys, which at a minimum, may be implied by the conduct of the parties and
11 other members of the Bay Boys. Reed believes that the Bay Boys
12 concerted efforts to stop the public from accessing the beach are
13 documented in statements made to the media, text messages and emails
14 some of which have been destroyed or are being withheld by the
15 Defendants in this case. For example, Defendant Frank Ferrara was
16 featured in the article "People Who Surf," December 1991 edition of Surfer
17 Magazine. Plaintiffs are informed and believe that the article was arranged
18 by Lunada Bay local Jim Russi who was a photographer at the magazine
19 which is quoted in relevant part:

20 Q: There was an article a few months ago in the L.A. Times that called
21 the Palos Verdes surfers a bunch elitist gangsters. As a P.V. guy, what do
22 you think of that?

23 A: I think that Palos Verdes is a beautiful surfing spot and that some of
24 the people who have come up there in the past haven't really respected it.

25 Q: But the complaint from visitors is they're not even given a chance to
26 prove themselves. They're run out or hit with rocks just trying to get to the
27 beach.

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1 A: Look at what happened to Malibu, Trestles, Rincon; there's five or
2 six guys on every wave. The guys who surf in Palos Verdes...have seen
3 what happens. One guy comes and surfs it, and then he brings two or three
4 guys, and they bring three or four of their friends and it snowballs and gets
5 out of hand. That is exactly why we want to protect it.

6 Defendant Frank Ferrara followed his interview up with a letter
7 defending localism printed in the March 1992 edition of Surfer Magazine
8 stating; "I am a protector of Palos Verdes. It is also protected by the pirates
9 who surf there."

10 Members of the Bay Boys have worn pirate shirts.

11 In a May 5, 1995 article published in the Easy Reader entitled "A Bay
12 Boy Explains localism: 'A Great Sense of Community here'," Jim Russi
13 admits to the illegal acts the Bay Boys engage in to exclude outsiders. Russi
14 said the harassment stems from a desire by locals to preserve the beach for
15 their own use, especially during the winter when the surf is exceptional. "We
16 feel a great sense of community here and we need to protect it. I can tell you
17 about places that get overrun by outsiders." Russi even attempts to blame
18 the harassment of Geoff Hagins by Defendant Sang Lee, Bay Boys Peter
19 McCollum and Kelly Logan: "Hagins is a real troublemaker. He's a bully. He
20 came e down with a gang of kids, including a Boogie boarder. There's never
21 been a Boogie boarder at Lunada Bay."

22 Finally, Defendant Charlie Ferrara, who is the son of Defendant Frank
23 Ferrara, admitted that generations of surfers have used intimidation and
24 even violence to successfully prevent the isolated spot from becoming a
25 crowded destination. In the 13-minute recording of the conversation,
26 Defendant Charlie Ferrara is heard saying:

27 1. "I can't tell you can't be down here. I can't tell you can't go
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1 surfing, but what I can do is I can make sure you don't have fun out there."

2 2. Echoing the words of his father to Surfer Magazine, he states: "if
3 one person is "cool" and gets along, then "everyone gets along, and then it
4 turns into Rincon and Malibu."

5 3. "My dad's 59 years old, for 59 years it's been like that; who are
6 you to come here and change something, get me?" he said. "I'm sorry to say
7 it like that, I'm not rude, but that's how they're looking at it, you know?"

8 There are numerous examples of the members of Lunada Bay Boys
9 conspiring to harass and intimidate visiting surfers which are set forth in
10 Plaintiffs' Supplemental Disclosures and previous discovery responses
11 including but not limited to:

12 1. Emails from Defendant Sang Lee and others that describe Bay
13 Boy tactics to keep outsiders and non-locals from surfing Lunada Bay
14 including emails dated 1/7/2011, 1/8/2011, 1/17/2011.

15 2. On February 5, 2016, Charles Mowat sent a text message to
16 Defendant Brant Blakeman, Tom Sullivan, David Yoakley, Andy Patch,
17 Defendant Michael Papayans and several others that said "There are 5
18 kooks standing on the bluff taking pictures...I think that same Taloa guy.
19 Things could get ugly." A Los Angeles Times photographer captured a
20 pictured of Defendant Blakeman of the bluff filming plaintiffs. Plaintiffs
21 believe that the Bay Boys take photos and/or video tape people as a form of
22 harassment and intimidation. Plaintiffs are also informed and believe that a
23 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
24 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
25 several people after he photographed them, "Now we know who you are."
26 Plaintiffs believe that the conduct directed at Reed by Blakeman and the
27 individual Bay Boys is because she is a woman. Plaintiff is informed and

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1 believes that there are numerous text messages where the Bay Boys refer
2 to Reed as a “bitch” and make sexual comments about her.

3 3. Emails dated January 16 and 17, 2014 that Charlie Mowatt sent
4 to Defendant Sang Lee and other Lunada Bay locals regarding plans to
5 harass Chris Taloa and visiting surfers at the MLK event in 2014

6 The specific acts directed against Reed include but are not limited to
7 the following: i) Reed went to Lunada Bay on January 29, 2016 with Jordan
8 Wright. Reed had intended to surf at Lunada Bay that day because the
9 conditions were such that she felt comfortable surfing. Immediately after
10 they parked their car along the bluffs, the harassment began. Several men
11 drove by and circled around their car. This was the day that she and Wright
12 were harassed and intimidated by David Melo. Blakeman was recording
13 them on land with his camera. It was very disturbing to Reed and made her
14 feel very uncomfortable. Plaintiffs are informed and believe that this was
15 witnessed by John MacHarg. ii) On or about February 12, 2016, The Los
16 Angeles Times published an article called “Bay Boys surfer gang cannot
17 block access to upscale beach, Coastal Commission says.” Jordan Wright
18 and Cory Spencer are quoted in the article. Mr. Wright and a few others had
19 planned to surf Lunada Bay the following morning. Plaintiffs are informed
20 and believe that Defendants Johnston and Blakeman learned that Jordan
21 Wright and Diana Reed were going to Lunada Bay and planned to be there
22 to harass them. On February 12, 2016, Defendant Alan Johnston sent the
23 following text messages to an unknown recipient: “No fucking way Taloa is
24 back this year” and “If u really wanna be a bay boy we might meet help
25 tomm.” iii) On February 13, 2016, Reed returned to Lunada Bay with Jordan
26 Wright to watch him surf and take photographs. Prior to her arrival, she
27 contacted the Palos Verdes Estates Police and requested an escort from the
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1 bluffs to the beach. She was concerned about her safety given the January
2 29, 2016 incident. She was told that the police were unavailable and no
3 officers were present when they arrived.

4 When Reed and Wright reached the beach, they encountered angry
5 locals who were yelling at them. Reed and Wright ignored the harassment
6 and Wright got into the water to surf and Reed made her way to the Rock
7 Fort where she planned to watch Wright and photograph him.

8 Approximately two hours after Reed had arrived at Lunada Bay, while she
9 was standing in the Rock Fort taking photos, defendant Blakeman and
10 defendant Alan Johnston rushed into the fort and ran towards her in a hostile
11 and aggressive manner. It seemed that they had coordinated and
12 orchestrated the attack which completely caught Reed off guard. Blakeman
13 was filming Reed again, and at times, held his camera right in her face. It
14 was intimidating and harassing to Reed, and she feared for her safety. Reed
15 asked Blakeman and Johnston why they were filming her, because it made
16 her uncomfortable. Blakeman responded, "because I feel like it." Johnston
17 responded, "Because you're hot. Because you're fucking sexy baby,
18 wooh!" Johnston then opened a can of beer in a purposeful way so that it
19 sprayed Reed's arm and her camera. Reed, paralyzed with fear, was unable
20 to leave the Rock Fort as Blakeman and Johnston were standing closest to
21 the exit. iv) Plaintiffs are informed and believe that after the incident
22 Defendant Johnston started calling and/or texting other Lunada Bay locals to
23 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
24 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
25 informed and believe that later that day Johnston received a text from his
26 mother asking him "What happened at the bay?" Johnston replied "Nothing
27 happened really just couple of trolls they got nothing."

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1 Reed further identifies the following individuals as having knowledge of
2 concerted efforts by the Bay Boys:

3 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
4 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
5 harassed by Bay Boys. They were told that they couldn't surf there, and
6 Spencer was called a "kook," which is a derogatory surfing term. Spencer
7 was also told: "why don't you fucking go home, you fucking kook;" and was
8 asked, "how many other good places did you pass to come here?" These
9 are the same types of statements made by Defendant Sang Lee and others
10 that can be observed on the video published by the Guardian. These taunts
11 started while Spencer and Taloa were on the bluffs getting ready to surf.
12 One individual continued to heckle Spencer and Taloa on their way down to
13 the beach and into the water. Blakeman was already in the water and began
14 paddling around Spencer and Taloa in a tight circle – staying just a few feet
15 away from them. There was no legitimate reason for this conduct. Reed
16 believes that this is a tactic used by the Bay Boys to harass people.
17 Blakeman impeded Spencer's movement in any direction and was
18 intentionally blocking him from catching any waves. It was clear to Spencer
19 that Blakeman was not there to surf that morning. Instead, his mission was
20 to prevent Spencer and Taloa from surfing and to keep them from enjoying
21 their time in the water, the open space, the waves, and nature. This type of
22 concerted effort was described by Charlie Ferrara to Reed as the way the
23 Bay Boys act to keep people from surfing at Lunada Bay. In the
24 approximately 90 minutes that Spencer was in the water that day, Blakeman
25 was focused on Spencer and Taloa and continued to shadow their
26 movements and sit uncomfortably close to them. Spencer had never
27 experienced anything like that before in his life. It was bizarre but also

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1 incredibly frightening and disturbing. It appeared to Spencer that Blakeman
2 was coordinating his actions with a group of guys who were standing in the
3 Rock Fort, along with others in the water. They were all talking to each other
4 and it was clear they all knew each other. At one point while Spencer was in
5 the water and was paddling west out to the ocean, he saw a man surfing,
6 coming in east towards the shore. The Bay Boy ran over his hand/wrist that
7 was holding his surfboard and one of the fins on his surfboard sliced open
8 his right wrist. Spencer has about a half-inch scar from where this man ran
9 him over. As soon as the Bay Boy ran him over, he started berating
10 Spencer, saying things like "what are you fucking doing out here? I told you
11 to go home. I should have run you over. Why are you paddling in the sun
12 glare where I can't see you?" The Bay Boy was pretending that he didn't see
13 Spencer but it was obvious that he did and intentionally ran him over. With
14 over 30 years of surfing experience, Spencer knew that this collision was
15 intentional on his part. Fearful of being further injured at that point, and not
16 wanting to get into an argument with him, Spencer just paddled away.
17 Spencer and Taloa caught one more wave after that and then decided it was
18 getting too dangerous to surf. More men started showing up at the Rock Fort
19 and Spencer and Taloa were growing increasingly fearful for their safety.
20 Spencer was also bleeding and in pain. These incidents are described in the
21 declarations filed with Plaintiffs' motion for class certification and the
22 deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
25 shadowing Spencer's movement in the water. Blakeman was in the water
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
2 Taloa kept moving in the water, and Blakeman attempted to keep up with
3 him but was not in good enough shape to do so.

4 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
5 with Chris Claypool and Kenneth Claypool. He observed Blakeman
6 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
7 for waves. By regular surfing norms, he had priority. He caught a 10- to
8 12foot-high wave and was up riding for several seconds. Alan Johnston
9 paddled the wrong way on this wave, dropped in on him going the wrong
10 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
11 while going the wrong way violates normal surf etiquette. Johnston then
12 collided with Wright, and their leashes got tangled. After they surfaced from
13 the collision, Johnston then got close to Wright and yelled, "You had to
14 fucking take that wave, didn't you!" The next wave that came through then
15 broke Wright's leash plug and the board was carried into the rocks, which
16 destroyed a new surfboard. Wright had to swim in over rocks to get his
17 board and cut his hands on the rocks doing so. Wright is confident that
18 Johnston attempted to purposefully injure him. What he did was extremely
19 dangerous.

20 Wright has observed Blakeman on many occasions. Blakeman is easy
21 to identify because he rides a kneeboard and he is regularly filming visitors
22 on land with a camcorder. Wright believes his filming is an effort to intimidate
23 visitors. In the water, Wright has observed what appears to be Blakeman
24 directing other Bay Boys to sit close to visiting surfers. Wright has observed
25 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
26 the visitors, impede their movements, block their surfing, kick at them,
27 splash water at them, and dangerously drop in on them. In addition to
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1 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
2 Charlie Ferrara, and David Melo engage in this activity. These incidents are
3 described in the declarations filed with Plaintiffs' motion for class
4 certification.

5 Ken Claypool: has been harassed and filmed by Blakeman in an
6 attempt to intimidate him at Lunada Bay on multiple occasions. In January
7 2015, Claypool and his brother Chris Claypool along with Jordan Wright
8 went to surf Lunada Bay. There were about five Lunada Bay locals in the
9 water, including Blakeman who paddled over and threatened them. Claypool
10 observed Blakeman intentionally drop in on Wright at least twice. On
11 February 5, 2016, Claypool went to Lunada Bay with Chris Taloa and Jordan
12 Wright. There was a photographer from the Los Angeles Times that was
13 there. Also in attendance was Cory Spencer and Diana Reed. Spencer was
14 there to watch the cars. Blakeman was there filming in an effort to intimidate
15 visitors. Blakeman can be seen in one of the pictures taken by the
16 photographer. Also present was Defendant Papayans.

17 Plaintiffs are informed and believe that there was a text message sent
18 that day to Papayans, Michael Thiel and 11 other people stating that there
19 were 5 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs
20 are informed that the text states: "Things could get ugly." These incidents
21 are described in the declarations filed with Plaintiffs' motion for class
22 certification. Chris Claypool: he and his brother Ken and Jordan Wright
23 attempted to surf Lunada Bay in January 2015. There were about five locals
24 in the water, including Blakeman who paddled over and was yelling, "Try
25 and catch a wave and see what happens. There is no fucking way you are
26 getting a wave. Just go in. Just go. You better not cut me off." Blakeman
27 looked possessed or possibly on drugs. His behavior got more bizarre

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1 throughout the morning. He seemed to be paddling for every wave that he
2 could physically push himself into, perhaps to make a point, but he was
3 wiping out a lot and falling down the face and tumbling across the rock reef.
4 Blakeman looked dangerous to himself. When Blakeman would actually
5 catch a wave in, he would paddle back to where Claypool and his brother
6 were sitting, and continue his insane rant. On one occasion, Blakeman came
7 less than 12 inches from Claypool's ear and was screaming. It was so loud,
8 Claypool had to put his fingers in his ear to protect them from being
9 damaged. Claypool is a sound engineer and to put this in perspective, a rock
10 concert creates about 120 decibels of noise - this was louder; a jet engine
11 creates about 150 decibels. At one point Blakeman caught a wave and drew
12 a line aiming right at Claypool. Another Bay Boy tried the same thing and
13 said "mother fucker" as he narrowly missed Claypool's head. Claypool
14 watched as Blakeman intentionally dropped in on Jordan at least twice. It
15 seemed obvious to Claypool that Blakeman and the other Bay Boy wanted
16 to make sure none of them were having fun. Because of the danger, they
17 decided to leave. When Claypool and his brother got out of water, they saw
18 people gathering on top of the cliff. One person was videotaping them from
19 the top of the cliff; it was clear to Claypool that he was doing this to try and
20 intimidate them. The people were watching them from the cliff. It was
21 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
22 obstruct his free passage and use in the customary manner of a public
23 space. It also seemed clear that Blakeman engaged in a concerted effort
24 with other Bay Boys to try and injure him. These incidents are described in
25 the declarations filed with Plaintiffs' motion for class certification.

26 Jason Gersch: While observing the surf, Gersch was approached by
27 two local Bay Boys named Peter McCollum and Brant Blakeman. These
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1 individuals made it known to Gersch that he could not surf there. These
2 incidents are described in the declarations filed with Plaintiffs' motion for
3 class certification. Plaintiffs are informed and believe and on that basis
4 allege that Defendant Blakeman and his attorneys are attempting to
5 intimidate witnesses in this case.

6 The request is premature. Because the defendants are refusing to comply
7 with their obligations to produce documents under the federal rules and are
8 impermissibly withholding evidence and/or possibly spoiling evidence, we
9 are not able to fully respond to discovery requests which necessarily rely on
10 our ability to fully investigate the facts. As discovery is continuing, Reed
11 reserves the right to update this response.

12 **(Additional Facts) Supporting Denial of RFA No. 16-19 (in addition to**
13 **the facts listed in the foregoing):**

14 The denial of the Request for Admission Nos. 16-19, asking the Plaintiff
15 to admit certain facts regarding the audio recording Plaintiff identified at
16 Volume 1, page 18 of her deposition taken on October 24, 2016 (to admit that
17 this did not include the voice of the Propounding Party (Charlie Ferrara).
18 Plaintiff, Diana Reed, bases the denial on the following facts (in addition to the
19 facts listed in the foregoing): she had knowledge of what Charlie Ferrara looks
20 like. At the 2/23/217 incident at the Lunada Bay Fort, Reed also saw the
21 Palos Verdes police walk up to Charles Ferrara, and called him by the name
22 of "Charlie" indicating their familiarity with him. Further, she also personally
23 taken the audio recording and observed the individual being recorded at the
24 time.

25 Defendant Charlie Ferrara, who is the son of Defendant Frank Ferrara,
26 admitted that generations of surfers have used intimidation and even violence
27 to successfully prevent the isolated spot from becoming a crowded
28

1 destination. In the 13-minute recording of the conversation, Defendant
2 Charlie Ferrara is heard saying:

- 3 1. "I can't tell you you can't be down here. I can't tell you you can't go
4 surfing, but what I can do is I can make sure you don't have fun out
5 there."
- 6 2. Echoing the words of his father to Surfer Magazine, he states: "if one
7 person is "cool" and gets along, then "everyone gets along, and then
8 it turns into Rincon and Malibu."
- 9 3. "My dad's 59 years old, for 59 years it's been like that; who are you
10 to come here and change something, get me?" he said. "I'm sorry to
11 say it like that, I'm not rude, but that's how they're looking at it, you
12 know?"

13 There are numerous examples of the members of Lunada Bay Boys
14 conspiring to harass and intimidate visiting surfers which are set forth in
15 Plaintiffs' Supplemental Disclosures and previous discovery responses.

16 **INTERROGATORY NO. 14:**

17 If YOU denied any of the Requests for Admissions served by
18 Propounding Party in this action, then for each Request for Admission
19 denied, IDENTIFY all PERSONS with knowledge RELATING TO YOUR
20 denial.

21 **RESPONSE TO INTERROGATORY NO. 14:**

22 Responding Party objects to this interrogatory as premature. Because
23 this interrogatory seeks or necessarily relies upon a contention, and
24 because this matter is in its early stages and pretrial discovery has only just
25 begun, Responding Party is unable to provide a complete response at this
26 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*

1 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
2 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
3 interrogatory need not be answered until designated discovery is complete,
4 or until a pretrial conference or some other time.”).

5 Responding Party further objects to this interrogatory as unduly
6 burdensome, harassing, and duplicative of information disclosed in
7 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
8 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
9 and supplemental disclosures for the information sought by this
10 interrogatory. Moreover, Responding Party had the opportunity to depose
11 Ms. Reed on this topic.

12 Responding Party further objects to this interrogatory as compound.
13 This “interrogatory” contains multiple impermissible subparts, which
14 Propounding Party has propounded in an effort to circumvent the numerical
15 limitations on interrogatories provided by Federal Rule of Civil Procedure
16 33(a)(1).

17 Responding Party further objects to this interrogatory on the grounds
18 that it seeks information that is outside of Responding Party’s knowledge.

19 Responding Party further objects to the extent that this interrogatory
20 invades attorney-client privilege and/or violates the work product doctrine by
21 compelling Responding Party to disclose privileged communications and/or
22 litigation strategy. Responding Party will not provide any such information.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 The following Persons are identified to have knowledge of facts
26 supporting Plaintiff’s denial of the Requests for Admissions Nos. 1-29, and
27 have information of the concerted efforts of the Bay Boys, are:
28

1 Diana Reed Cory Spencer:

- 2 • Christopher Taloa:
- 3 • Jordan Wright:
- 4 • Ken Claypool:
- 5 • Andy MacHarg:
- 6 • Jason Gersch:

7 Sef Krell

8 Geoff Hagins

9 Peter McCullom, David Hilton, Kelly Logan, Sang Lee

10 Officer Alex Gonzales

11 Jim Russi

12 David Hunt

13 Jen Bell

14 Chris Taloa

15 Plaintiffs

16 Michael Papayans,

17 Sang Lee,

18 Alan Johnston,

19 Charlie Ferrara,

20 David Melo

21 Ken Claypool

22 Chris Claypool

23 Jordan Wright

24 Jason Gretch

25 The request is premature. Because the defendants are refusing to
26 comply with their obligations to produce documents under the federal rules
27 and are impermissibly withholding evidence and/or possibly spoiling
28

evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response

INTERROGATORY NO. 15:

If YOU denied any of the Requests for Admissions served by Propounding Party in this action, then for each Request for Admission denied, IDENTIFY **all DOCUMENTS** RELATING TO YOUR denial.

RESPONSE TO INTERROGATORY NO. 15:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Ms. Reed on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which

1 Propounding Party has propounded in an effort to circumvent the numerical
2 limitations on interrogatories provided by Federal Rule of Civil Procedure
3 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy. Responding Party will not provide any such information.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 **Documents which relate to or support Plaintiff's denial of the Requests**
13 **for Admissions Nos. 1-29 are the following:**

- 14 ▪ DR- 95-0062,
- 15 ○ DR 95-031, and
- 16 ○ DR- 14-01520,
- 17 ○ "People Who Surf," December 1991 edition of Surfer Magazine,
- 18 March 1992 edition of Surfer Magazine,
- 19 ○ May 5, 1995 article published in the Easy Reader entitled "A Bay
- 20 Boy Explains localism: 'A Great Sense of Community here'
- 21 ○ 13-minute recording of the conversation, Defendant Charlie
- 22 Ferrara,
- 23 ○ Emails from Defendant Sang Lee and others that describe Bay
- 24 Boy tactics to keep outsiders and non-locals from surfing Lunada
- 25 Bay including emails dated 1/7/2011,1/8/2011,1/17/2011,
- 26 ○ Phone records from Defendant Sang Lee, Phone records from
- 27 Defendant Alan Johnston, and Declarations produced in support
- 28

1 of plaintiff's motion for class certification.

2 The request is premature. Because the defendants are refusing to
3 comply with their obligations to produce documents under the federal rules
4 and are impermissibly withholding evidence and/or possibly spoiling
5 evidence, we are not able to fully respond to discovery requests which
6 necessarily rely on our ability to fully investigate the facts. As discovery is
7 continuing, Reed reserves the right to update this response.

8 **INTERROGATORY NO. 16:**

9 IDENTIFY the police officers YOU claim stated, "Hi, Charlie," to
10 Propounding Party on February 13, 2016 by the Lunada Bay rock fort.

11 **RESPONSE TO INTERROGATORY NO. 16:**

12 Responding Party objects to this interrogatory as premature. Because
13 this interrogatory seeks or necessarily relies upon a contention, and
14 because this matter is in its early stages and pretrial discovery has only just
15 begun, Responding Party is unable to provide a complete response at this
16 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
20 interrogatory need not be answered until designated discovery is complete,
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly
23 burdensome, harassing, and duplicative of information disclosed in
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures
26 and supplemental disclosures for the information sought by this
27 interrogatory. Moreover, Responding Party had the opportunity to depose
28

1 Ms. Reed on this topic.

2 Responding Party further objects to this interrogatory on the grounds
3 that it seeks information that is outside of Responding Party's knowledge.

4 Responding Party further objects to the extent that this interrogatory
5 invades attorney-client privilege and/or violates the work product doctrine by
6 compelling Responding Party to disclose privileged communications and/or
7 litigation strategy. Responding Party will not provide any such information.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows: Not currently recalled, discovery is continuing.

10 **INTERROGATORY NO. 17:**

11 IDENTIFY the ELECTRONIC DEVICE YOU used to capture the audio
12 recording YOU identified at Volume One, Page 18 of YOUR deposition
13 taken in this matter on October 24, 2016. (A true and correct copy of Page
14 18, Volume One of YOUR deposition is attached hereto as Exhibit A.)

15 **RESPONSE TO INTERROGATORY NO. 17:**

16 Responding Party objects to this interrogatory as premature. Because this
17 interrogatory seeks or necessarily relies upon a contention, and because this
18 matter is in its early stages and pretrial discovery has only just begun,
19 Responding Party is unable to provide a complete response at this time, nor
20 is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL
21 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad*
22 *Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed.
23 R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need
24 not be answered until designated discovery is complete, or until a pretrial
25 conference or some other time.").

26 Responding Party further objects to this interrogatory as unduly burdensome,
27 harassing, and duplicative of information disclosed in Responding Party's
28

1 Rule 26(a) disclosures and supplemental disclosures. Propounding Party may
2 look to Responding Party's Rule 26(a) disclosures and supplemental
3 disclosures for the information sought by this interrogatory. Moreover,
4 Responding Party had the opportunity to depose Ms. Reed on this topic.
5 Responding Party further objects to this interrogatory on the grounds that it
6 seeks information that is outside of Responding Party's knowledge.
7 Responding Party further objects to the extent that this interrogatory invades
8 attorney-client privilege and/or violates the work product doctrine by
9 compelling Responding Party to disclose privileged communications and/or
10 litigation strategy. Responding Party will not provide any such privileged
11 information.

12 Subject to and without waiver of the foregoing objections, Responding
13 Party responds as follows: The recording at issue was made on Plaintiff's
14 personal cell phone.

15
16 DATED: June 5, 2017

OTTEN LAW, PC

17
18
19 By: /s/Victor Otten

20 VICTOR OTTEN
21 KAVITA TEKCHANDANI
22 Attorneys for Plaintiffs
23 CORY SPENCER, DIANA MILENA
24 REED, and COASTAL PROTECTION
25 RANGERS, INC.
26
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PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO THIRD SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S
RESPONSE TO SECOND SET OF
REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT
CHARLIE FERRARA**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION
PROPOUNDED BY DEFENDANT CHARLIE FERRARA

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROPOUNDING PARTY: Defendant Charlie Ferrara

RESPONDING PARTY: Plaintiff Diana Milena Reed

SET NO.: Two

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Diana Milena Reed ("Responding Party") submits these responses and objections to the Second Set of Requests for Production propounded by Defendant Charlie Ferrara ("Propounding Party").

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by Responding Party with respect to the admissibility or relevance of any fact or document, or of the truth or accuracy of any characterization or statement of any kind contained in Propounding Party's Requests for Production.

Responding Party has not completed her investigation of the facts relating to

1 this case, her discovery or her preparation for trial. All responses and
2 objections contained herein are based only upon such information and such
3 documents that are presently available to and specifically known by
4 Responding Party. It is anticipated that further discovery, independent
5 investigation, legal research and analysis will supply additional facts and add
6 meaning to known facts, as well as establish entirely new factual
7 conclusions and legal contentions, all of which may lead to substantial
8 additions to, changes in and variations from the responses set forth herein.
9 The following objections and responses are made without prejudice to
10 Responding Party's right to produce at trial, or otherwise, evidence
11 regarding any subsequently discovered documents. Responding Party
12 accordingly reserves the right to modify and amend any and all responses
13 herein as research is completed and contentions are made.

14 **GENERAL OBJECTIONS TO REQUESTS FOR PRODUCTION**

15 Responding Party generally objects to the Requests for Production as
16 follows:

17 A. Responding Party objects generally to the Requests for
18 Production to the extent that they seek to elicit information that is neither
19 relevant to the subject matter of this action, nor reasonably calculated to
20 lead to the discovery of admissible evidence;

21 B. Responding Party objects generally to the Requests for
22 Production to the extent that they are unreasonably overbroad in scope, and
23 thus burdensome and oppressive, in that each such request seeks
24 information pertaining to items and matters that are not relevant to the
25 subject matter of this action, or, if relevant, so remote therefrom as to make
26 its disclosure of little or no practical benefit to Propounding Party, while
27 placing a wholly unwarranted burden and expense on Responding Party in
28

1 locating, reviewing and producing the requested information;

2 C. Responding Party objects generally to the Requests for
3 Production to the extent that they are burdensome and oppressive, in that
4 ascertaining the information necessary to respond to them, and to produce
5 documents in accordance therewith, would require the review and
6 compilation of information from multiple locations, and voluminous records
7 and files, thereby involving substantial time of employees of Responding
8 Party and great expense to Responding Party, whereas the information
9 sought to be obtained by Propounding Party would be of little use or benefit
10 to Propounding Party;

11 D. Responding Party objects generally to the Requests for
12 Production to the extent that they are vague, uncertain and overbroad, being
13 without limitation as to time or specific subject matter;

14 E. Responding Party objects generally to the Requests for
15 Production to the extent that they seek information at least some of which is
16 protected by the attorney-client privilege or the attorney work-product
17 doctrine, or both;

18 F. Responding Party objects generally to the Requests for
19 Production to the extent that they seek to have Plaintiff furnish information
20 and identify documents that are a matter of the public record, and therefore,
21 are equally available to the propounding party as they are to Responding
22 Party; and

23 G. Responding Party objects generally to the Requests for
24 Production to the extent that they seek to have Responding Party furnish
25 information and identify documents that are proprietary to Responding Party
26 and contain confidential information.

27 Without waiver of the foregoing, Responding Party further responds as
28

1 follows:

2 **RESPONSES TO REQUESTS FOR PRODUCTION**

3 **REQUEST FOR PRODUCTION NO. 13:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 3 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 **REQUEST FOR PRODUCTION NO. 14:**

10 If YOUR response to Propounding Party's Request for Admission No.
11 6 was anything other than an unqualified admission, produce each and
12 every DOCUMENT RELATING TO said response.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

14 Responding Party objects to this request for production as premature.
15 Because this request for production necessarily relies upon a contention,
16 Responding Party is unable to provide a complete response at this time, nor
17 is it required to do so.

18 Responding Party further objects to this request on the grounds that it
19 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
20 with reasonable particularity each item or category of items to be inspected."
21 Propounding Party's request for production does not describe an item or
22 category of items with reasonable particularity.

23 Responding Party further objects to the extent that this request for
24 production invades attorney-client privilege and/or violates the work product
25 doctrine by compelling Responding Party to disclose privileged
26 communications and/or litigation strategy. Responding Party will not provide
27 any such privileged information.

1 Responding Party further objects to this request on the grounds that
2 this information is equally available to the Requesting Party, and some of the
3 documents are publically available.

4 Subject to and without waiver of the foregoing objections, Responding
5 Party responds as follows:

6 Responding Party directs the Defendant to Plaintiff's previous
7 productions. For any responsive documents, not already produced in
8 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
9 (Responsive documents are collectively attached hereto as Exhibit A).

10 Additionally, Responding Party notes that discovery is ongoing, and
11 this contention-based interrogatory is poorly defined and premature. Thus,
12 Responding Party reserves the right to amend this response at the
13 appropriate time in the future if necessary.

14
15 **REQUEST FOR PRODUCTION NO. 15:**

16 If YOUR response to Propounding Party's Request for Admission No.
17 9 was anything other than an unqualified admission, produce each and
18 every DOCUMENT RELATING TO said response.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

20 Responding Party objects to this request for production as premature.
21 Because this request for production necessarily relies upon a contention,
22 Responding Party is unable to provide a complete response at this time, nor
23 is it required to do so.

24 Responding Party further objects to this request on the grounds that it
25 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
26 with reasonable particularity each item or category of items to be inspected."
27 Propounding Party's request for production does not describe an item or
28

1 category of items with reasonable particularity.

2 Responding Party further objects to the extent that this request for
3 production invades attorney-client privilege and/or violates the work product
4 doctrine by compelling Responding Party to disclose privileged
5 communications and/or litigation strategy. Responding Party will not provide
6 any such privileged information.

7 Responding Party further objects to this request on the grounds that
8 this information is equally available to the Requesting Party, and some of the
9 documents are publically available.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 Responding Party directs the Defendant to Plaintiff's previous
13 productions. For any responsive documents, not already produced in
14 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
15 (Responsive documents are collectively attached hereto as Exhibit A).

16 Additionally, Responding Party notes that discovery is ongoing, and
17 this contention-based interrogatory is poorly defined and premature. Thus,
18 Responding Party reserves the right to amend this response at the
19 appropriate time in the future if necessary.

20
21 **REQUEST FOR PRODUCTION NO. 16:**

22 If YOUR response to Propounding Party's Request for Admission No.
23 12 was anything other than an unqualified admission, produce each and
24 every DOCUMENT RELATING TO said response.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

26 Responding Party objects to this request for production as premature.
27 Because this request for production necessarily relies upon a contention,
28

1 Responding Party is unable to provide a complete response at this time, nor
2 is it required to do so.

3 Responding Party further objects to this request on the grounds that it
4 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
5 with reasonable particularity each item or category of items to be inspected.”
6 Propounding Party’s request for production does not describe an item or
7 category of items with reasonable particularity.

8 Responding Party further objects to the extent that this request for
9 production invades attorney-client privilege and/or violates the work product
10 doctrine by compelling Responding Party to disclose privileged
11 communications and/or litigation strategy. Responding Party will not provide
12 any such privileged information.

13 Responding Party further objects to this request on the grounds that
14 this information is equally available to the Requesting Party, and some of the
15 documents are publically available.

16 Subject to and without waiver of the foregoing objections, Responding
17 Party responds as follows:

18 Responding Party directs the Defendant to Plaintiff's previous
19 productions. For any responsive documents, not already produced in
20 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
21 (Responsive documents are collectively attached hereto as Exhibit A).

22 Additionally, Responding Party notes that discovery is ongoing, and
23 this contention-based interrogatory is poorly defined and premature. Thus,
24 Responding Party reserves the right to amend this response at the
25 appropriate time in the future if necessary.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 If YOUR response to Propounding Party's Request for Admission No.
3 15 was anything other than an unqualified admission, produce each and
4 every DOCUMENT RELATING TO said response.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

6 Responding Party objects to this request for production as premature.
7 Because this request for production necessarily relies upon a contention,
8 Responding Party is unable to provide a complete response at this time, nor
9 is it required to do so.

10 Responding Party further objects to this request on the grounds that it
11 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
12 with reasonable particularity each item or category of items to be inspected."
13 Propounding Party's request for production does not describe an item or
14 category of items with reasonable particularity.

15 Responding Party further objects to the extent that this request for
16 production invades attorney-client privilege and/or violates the work product
17 doctrine by compelling Responding Party to disclose privileged
18 communications and/or litigation strategy. Responding Party will not provide
19 any such privileged information.

20 Responding Party further objects to this request on the grounds that
21 this information is equally available to the Requesting Party, and some of the
22 documents are publically available.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 Responding Party directs the Defendant to Plaintiff's previous
26 productions. For any responsive documents, not already produced in
27 Plaintiff's prior discovery responses, Plaintiff is producing such documents.

28

1 (Responsive documents are collectively attached hereto as Exhibit A).

2 Additionally, Responding Party notes that discovery is ongoing, and
3 this contention-based interrogatory is poorly defined and premature. Thus,
4 Responding Party reserves the right to amend this response at the
5 appropriate time in the future if necessary.

6
7 **REQUEST FOR PRODUCTION NO. 18:**

8 If YOUR response to Propounding Party's Request for Admission No.
9 16 was anything other than an unqualified admission, produce each and
10 every. DOCUMENT RELATING TO said response.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

12 Responding Party objects to this request for production as premature.
13 Because this request for production necessarily relies upon a contention,
14 Responding Party is unable to provide a complete response at this time, nor
15 is it required to do so.

16 Responding Party further objects to this request on the grounds that it
17 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
18 with reasonable particularity each item or category of items to be inspected."
19 Propounding Party's request for production does not describe an item or
20 category of items with reasonable particularity.

21 Responding Party further objects to the extent that this request for
22 production invades attorney-client privilege and/or violates the work product
23 doctrine by compelling Responding Party to disclose privileged
24 communications and/or litigation strategy. Responding Party will not provide
25 any such privileged information.

26 Responding Party further objects to this request on the grounds that
27 this information is equally available to the Requesting Party, and some of the
28

1 documents are publically available.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 Responding Party directs the Defendant to Plaintiff's previous
5 productions. For any responsive documents, not already produced in
6 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
7 (Responsive documents are collectively attached hereto as Exhibit A).

8 Additionally, Responding Party notes that discovery is ongoing, and
9 this contention-based interrogatory is poorly defined and premature. Thus,
10 Responding Party reserves the right to amend this response at the
11 appropriate time in the future if necessary.

12

13 **REQUEST FOR PRODUCTION NO. 19:**

14 If YOUR response to Propounding Party's Request for Admission No.
15 17 was anything other than an unqualified admission, produce each and
16 every DOCUMENT RELATING TO said response.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

18 Responding Party objects to this request for production as premature.
19 Because this request for production necessarily relies upon a contention,
20 Responding Party is unable to provide a complete response at this time, nor
21 is it required to do so.

22 Responding Party further objects to this request on the grounds that it
23 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
24 with reasonable particularity each item or category of items to be inspected."
25 Propounding Party's request for production does not describe an item or
26 category of items with reasonable particularity.

27 Responding Party further objects to the extent that this request for
28

1 production invades attorney-client privilege and/or violates the work product
2 doctrine by compelling Responding Party to disclose privileged
3 communications and/or litigation strategy. Responding Party will not provide
4 any such privileged information.

5 Responding Party further objects to this request on the grounds that
6 this information is equally available to the Requesting Party, and some of the
7 documents are publically available.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 Responding Party directs the Defendant to Plaintiff's previous
11 productions. For any responsive documents, not already produced in
12 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
13 (Responsive documents are collectively attached hereto as Exhibit A).

14 Additionally, Responding Party notes that discovery is ongoing, and
15 this contention-based interrogatory is poorly defined and premature. Thus,
16 Responding Party reserves the right to amend this response at the
17 appropriate time in the future if necessary.

18
19 **REQUEST FOR PRODUCTION NO. 20:**

20 If YOUR response to Propounding Party's Request for Admission No.
21 18 was anything other than an unqualified admission, produce each and
22 every DOCUMENT RELATING TO said response.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Responding Party objects to this request for production as premature.
25 Because this request for production necessarily relies upon a contention,
26 Responding Party is unable to provide a complete response at this time, nor
27 is it required to do so.

28

1 Responding Party further objects to this request on the grounds that it
2 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
3 with reasonable particularity each item or category of items to be inspected.”
4 Propounding Party’s request for production does not describe an item or
5 category of items with reasonable particularity.

6 Responding Party further objects to the extent that this request for
7 production invades attorney-client privilege and/or violates the work product
8 doctrine by compelling Responding Party to disclose privileged
9 communications and/or litigation strategy. Responding Party will not provide
10 any such privileged information.

11 Responding Party further objects to this request on the grounds that
12 this information is equally available to the Requesting Party, and some of the
13 documents are publically available.

14 Subject to and without waiver of the foregoing objections, Responding
15 Party responds as follows:

16 Responding Party directs the Defendant to Plaintiff's previous
17 productions. For any responsive documents, not already produced in
18 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
19 (Responsive documents are collectively attached hereto as Exhibit A).

20 Additionally, Responding Party notes that discovery is ongoing, and
21 this contention-based interrogatory is poorly defined and premature. Thus,
22 Responding Party reserves the right to amend this response at the
23 appropriate time in the future if necessary.

24
25 **REQUEST FOR PRODUCTION NO. 21:**

26 If YOUR response to Propounding Party’s Request for Admission No.
27 19 was anything other than an unqualified admission, produce each and
28

1 every DOCUMENT RELATING TO said response.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

3 Responding Party objects to this request for production as premature.
4 Because this request for production necessarily relies upon a contention,
5 Responding Party is unable to provide a complete response at this time, nor
6 is it required to do so.

7 Responding Party further objects to this request on the grounds that it
8 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
9 with reasonable particularity each item or category of items to be inspected.”
10 Propounding Party’s request for production does not describe an item or
11 category of items with reasonable particularity.

12 Responding Party further objects to the extent that this request for
13 production invades attorney-client privilege and/or violates the work product
14 doctrine by compelling Responding Party to disclose privileged
15 communications and/or litigation strategy. Responding Party will not provide
16 any such privileged information.

17 Responding Party further objects to this request on the grounds that
18 this information is equally available to the Requesting Party, and some of the
19 documents are publically available.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 Responding Party directs the Defendant to Plaintiff's previous
23 productions. For any responsive documents, not already produced in
24 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
25 (Responsive documents are collectively attached hereto as Exhibit A).

26 Additionally, Responding Party notes that discovery is ongoing, and
27 this contention-based interrogatory is poorly defined and premature. Thus,
28

1 Responding Party reserves the right to amend this response at the
2 appropriate time in the future if necessary.

3
4 **REQUEST FOR PRODUCTION NO. 22:**

5 If YOUR response to Propounding Party's Request for Admission No.
6 20 was anything other than an unqualified admission, produce each and
7 every DOCUMENT RELATING TO said response.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

9 Responding Party objects to this request for production as premature.
10 Because this request for production necessarily relies upon a contention,
11 Responding Party is unable to provide a complete response at this time, nor
12 is it required to do so.

13 Responding Party further objects to this request on the grounds that it
14 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
15 with reasonable particularity each item or category of items to be inspected."
16 Propounding Party's request for production does not describe an item or
17 category of items with reasonable particularity.

18 Responding Party further objects to the extent that this request for
19 production invades attorney-client privilege and/or violates the work product
20 doctrine by compelling Responding Party to disclose privileged
21 communications and/or litigation strategy. Responding Party will not provide
22 any such privileged information.

23 Responding Party further objects to this request on the grounds that
24 this information is equally available to the Requesting Party, and some of the
25 documents are publically available.

26 Subject to and without waiver of the foregoing objections, Responding
27 Party responds as follows:

1 Responding Party directs the Defendant to Plaintiff's previous
2 productions. For any responsive documents, not already produced in
3 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
4 (Responsive documents are collectively attached hereto as Exhibit A).

5 Additionally, Responding Party notes that discovery is ongoing, and
6 this contention-based interrogatory is poorly defined and premature. Thus,
7 Responding Party reserves the right to amend this response at the
8 appropriate time in the future if necessary.

9
10 **REQUEST FOR PRODUCTION NO. 23:**

11 If YOUR response to Propounding Party's Request for Admission No.
12 21 was anything other than an unqualified admission, produce each and
13 every DOCUMENT RELATING TO said response.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

15 Responding Party objects to this request for production as premature.
16 Because this request for production necessarily relies upon a contention,
17 Responding Party is unable to provide a complete response at this time, nor
18 is it required to do so.

19 Responding Party further objects to this request on the grounds that it
20 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
21 with reasonable particularity each item or category of items to be inspected."
22 Propounding Party's request for production does not describe an item or
23 category of items with reasonable particularity.

24 Responding Party further objects to the extent that this request for
25 production invades attorney-client privilege and/or violates the work product
26 doctrine by compelling Responding Party to disclose privileged
27 communications and/or litigation strategy. Responding Party will not provide
28

1 any such privileged information.

2 Responding Party further objects to this request on the grounds that
3 this information is equally available to the Requesting Party, and some of the
4 documents are publically available.

5 Subject to and without waiver of the foregoing objections, Responding
6 Party responds as follows:

7 Responding Party directs the Defendant to Plaintiff's previous
8 productions. For any responsive documents, not already produced in
9 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
10 (Responsive documents are collectively attached hereto as Exhibit A).

11 Additionally, Responding Party notes that discovery is ongoing, and
12 this contention-based interrogatory is poorly defined and premature. Thus,
13 Responding Party reserves the right to amend this response at the
14 appropriate time in the future if necessary.

15

16 **REQUEST FOR PRODUCTION NO. 24:**

17 If YOUR response to Propounding Party's Request for Admission No.
18 22 was anything other than an unqualified admission, produce each and
19 every DOCUMENT RELATING TO said response.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

21 Responding Party objects to this request for production as premature.
22 Because this request for production necessarily relies upon a contention,
23 Responding Party is unable to provide a complete response at this time, nor
24 is it required to do so.

25 Responding Party further objects to this request on the grounds that it
26 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
27 with reasonable particularity each item or category of items to be inspected."
28

1 Propounding Party's request for production does not describe an item or
2 category of items with reasonable particularity.

3 Responding Party further objects to the extent that this request for
4 production invades attorney-client privilege and/or violates the work product
5 doctrine by compelling Responding Party to disclose privileged
6 communications and/or litigation strategy. Responding Party will not provide
7 any such privileged information.

8 Responding Party further objects to this request on the grounds that
9 this information is equally available to the Requesting Party, and some of the
10 documents are publically available.

11 Subject to and without waiver of the foregoing objections, Responding
12 Party responds as follows:

13 Responding Party directs the Defendant to Plaintiff's previous
14 productions. For any responsive documents, not already produced in
15 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
16 (Responsive documents are collectively attached hereto as Exhibit A).

17 Additionally, Responding Party notes that discovery is ongoing, and
18 this contention-based interrogatory is poorly defined and premature. Thus,
19 Responding Party reserves the right to amend this response at the
20 appropriate time in the future if necessary.

21

22 **REQUEST FOR PRODUCTION NO. 25:**

23 If YOUR response to Propounding Party's Request for Admission No.
24 23 was anything other than an unqualified admission, produce each and
25 every DOCUMENT RELATING TO said response.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

27 Responding Party objects to this request for production as premature.

28

1 Because this request for production necessarily relies upon a contention,
2 Responding Party is unable to provide a complete response at this time, nor
3 is it required to do so.

4 Responding Party further objects to this request on the grounds that it
5 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
6 with reasonable particularity each item or category of items to be inspected.”
7 Propounding Party’s request for production does not describe an item or
8 category of items with reasonable particularity.

9 Responding Party further objects to the extent that this request for
10 production invades attorney-client privilege and/or violates the work product
11 doctrine by compelling Responding Party to disclose privileged
12 communications and/or litigation strategy. Responding Party will not provide
13 any such privileged information.

14 Responding Party further objects to this request on the grounds that
15 this information is equally available to the Requesting Party, and some of the
16 documents are publically available.

17 Subject to and without waiver of the foregoing objections, Responding
18 Party responds as follows:

19 Responding Party directs the Defendant to Plaintiff's previous
20 productions. For any responsive documents, not already produced in
21 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
22 (Responsive documents are collectively attached hereto as Exhibit A).

23 Additionally, Responding Party notes that discovery is ongoing, and
24 this contention-based interrogatory is poorly defined and premature. Thus,
25 Responding Party reserves the right to amend this response at the
26 appropriate time in the future if necessary.

27
28

1 **REQUEST FOR PRODUCTION NO. 26:**

2 If YOUR response to Propounding Party's Request for Admission No.
3 24 was anything other than an unqualified admission, produce each and
4 every DOCUMENT RELATING TO said response.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

6 Responding Party objects to this request for production as premature.
7 Because this request for production necessarily relies upon a contention,
8 Responding Party is unable to provide a complete response at this time, nor
9 is it required to do so.

10 Responding Party further objects to this request on the grounds that it
11 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
12 with reasonable particularity each item or category of items to be inspected."
13 Propounding Party's request for production does not describe an item or
14 category of items with reasonable particularity.

15 Responding Party further objects to the extent that this request for
16 production invades attorney-client privilege and/or violates the work product
17 doctrine by compelling Responding Party to disclose privileged
18 communications and/or litigation strategy. Responding Party will not provide
19 any such privileged information.

20 Responding Party further objects to this request on the grounds that
21 this information is equally available to the Requesting Party, and some of the
22 documents are publically available.

23 Subject to and without waiver of the foregoing objections, Responding
24 Party responds as follows:

25 Responding Party directs the Defendant to Plaintiff's previous
26 productions. For any responsive documents, not already produced in
27 Plaintiff's prior discovery responses, Plaintiff is producing such documents.

28

1 (Responsive documents are collectively attached hereto as Exhibit A).

2 Additionally, Responding Party notes that discovery is ongoing, and
3 this contention-based interrogatory is poorly defined and premature. Thus,
4 Responding Party reserves the right to amend this response at the
5 appropriate time in the future if necessary.

6
7 **REQUEST FOR PRODUCTION NO. 27:**

8 If YOUR response to Propounding Party's Request for Admission No.
9 25 was anything other than an unqualified admission, produce each and
10 every DOCUMENT RELATING TO said response.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 Responding Party objects to this request for production as premature.
13 Because this request for production necessarily relies upon a contention,
14 Responding Party is unable to provide a complete response at this time, nor
15 is it required to do so.

16 Responding Party further objects to this request on the grounds that it
17 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
18 with reasonable particularity each item or category of items to be inspected."
19 Propounding Party's request for production does not describe an item or
20 category of items with reasonable particularity.

21 Responding Party further objects to the extent that this request for
22 production invades attorney-client privilege and/or violates the work product
23 doctrine by compelling Responding Party to disclose privileged
24 communications and/or litigation strategy. Responding Party will not provide
25 any such privileged information.

26 Responding Party further objects to this request on the grounds that
27 this information is equally available to the Requesting Party, and some of the
28

1 documents are publically available.

2 Subject to and without waiver of the foregoing objections, Responding
3 Party responds as follows:

4 Responding Party directs the Defendant to Plaintiff's previous
5 productions. For any responsive documents, not already produced in
6 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
7 (Responsive documents are collectively attached hereto as Exhibit A).

8 Additionally, Responding Party notes that discovery is ongoing, and
9 this contention-based interrogatory is poorly defined and premature. Thus,
10 Responding Party reserves the right to amend this response at the
11 appropriate time in the future if necessary.

12

13 **REQUEST FOR PRODUCTION NO. 28:**

14 If YOUR response to Propounding Party's Request for Admission No.
15 26 was anything other than an unqualified admission, produce each and
16 every DOCUMENT RELATING TO said response.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

18 Responding Party objects to this request for production as premature.
19 Because this request for production necessarily relies upon a contention,
20 Responding Party is unable to provide a complete response at this time, nor
21 is it required to do so.

22 Responding Party further objects to this request on the grounds that it
23 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
24 with reasonable particularity each item or category of items to be inspected."
25 Propounding Party's request for production does not describe an item or
26 category of items with reasonable particularity.

27 Responding Party further objects to the extent that this request for
28

1 production invades attorney-client privilege and/or violates the work product
2 doctrine by compelling Responding Party to disclose privileged
3 communications and/or litigation strategy. Responding Party will not provide
4 any such privileged information.

5 Responding Party further objects to this request on the grounds that
6 this information is equally available to the Requesting Party, and some of the
7 documents are publically available.

8 Subject to and without waiver of the foregoing objections, Responding
9 Party responds as follows:

10 Responding Party directs the Defendant to Plaintiff's previous
11 productions. For any responsive documents, not already produced in
12 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
13 (Responsive documents are collectively attached hereto as Exhibit A).

14 Additionally, Responding Party notes that discovery is ongoing, and
15 this contention-based interrogatory is poorly defined and premature. Thus,
16 Responding Party reserves the right to amend this response at the
17 appropriate time in the future if necessary.

18
19 **REQUEST FOR PRODUCTION NO. 29:**

20 If YOUR response to Propounding Party's Request for Admission No.
21 27 was anything other than an unqualified admission, produce each and
22 every DOCUMENT RELATING TO said response.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

24
25 Responding Party objects to this request for production as premature.
26 Because this request for production necessarily relies upon a contention,
27 Responding Party is unable to provide a complete response at this time, nor
28

1 is it required to do so.

2 Responding Party further objects to this request on the grounds that it
3 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
4 with reasonable particularity each item or category of items to be inspected.”
5 Propounding Party’s request for production does not describe an item or
6 category of items with reasonable particularity.

7 Responding Party further objects to the extent that this request for
8 production invades attorney-client privilege and/or violates the work product
9 doctrine by compelling Responding Party to disclose privileged
10 communications and/or litigation strategy. Responding Party will not provide
11 any such privileged information.

12 Responding Party further objects to this request on the grounds that
13 this information is equally available to the Requesting Party, and some of the
14 documents are publically available.

15 Subject to and without waiver of the foregoing objections, Responding
16 Party responds as follows:

17 Responding Party directs the Defendant to Plaintiff's previous
18 productions. For any responsive documents, not already produced in
19 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
20 (Responsive documents are collectively attached hereto as Exhibit A).

21 Additionally, Responding Party notes that discovery is ongoing, and
22 this contention-based interrogatory is poorly defined and premature. Thus,
23 Responding Party reserves the right to amend this response at the
24 appropriate time in the future if necessary.

25 **REQUEST FOR PRODUCTION NO. 30:**

26 If YOUR response to Propounding Party’s Request for Admission No.
27 28 was anything other than an unqualified admission, produce each and
28

1 every DOCUMENT RELATING TO said response.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

3 Responding Party objects to this request for production as premature.
4 Because this request for production necessarily relies upon a contention,
5 Responding Party is unable to provide a complete response at this time, nor
6 is it required to do so.

7 Responding Party further objects to this request on the grounds that it
8 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to “describe
9 with reasonable particularity each item or category of items to be inspected.”
10 Propounding Party’s request for production does not describe an item or
11 category of items with reasonable particularity.

12 Responding Party further objects to the extent that this request for
13 production invades attorney-client privilege and/or violates the work product
14 doctrine by compelling Responding Party to disclose privileged
15 communications and/or litigation strategy. Responding Party will not provide
16 any such privileged information.

17 Responding Party further objects to this request on the grounds that
18 this information is equally available to the Requesting Party, and some of the
19 documents are publically available.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 Responding Party directs the Defendant to Plaintiff's previous
23 productions. For any responsive documents, not already produced in
24 Plaintiff’s prior discovery responses, Plaintiff is producing such documents.
25 (Responsive documents are collectively attached hereto as Exhibit A).

26 Additionally, Responding Party notes that discovery is ongoing, and
27 this contention-based interrogatory is poorly defined and premature. Thus,
28

1 Responding Party reserves the right to amend this response at the
2 appropriate time in the future if necessary.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 If YOUR response to Propounding Party's Request for Admission No.
5 29 was anything other than an unqualified admission, produce each and
6 every DOCUMENT RELATING TO said response.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

8 Responding Party objects to this request for production as premature.
9 Because this request for production necessarily relies upon a contention,
10 Responding Party is unable to provide a complete response at this time, nor
11 is it required to do so.

12 Responding Party further objects to this request on the grounds that it
13 violates Federal Rule of Civil Procedure 34(b)(1)(A) by failing to "describe
14 with reasonable particularity each item or category of items to be inspected."
15 Propounding Party's request for production does not describe an item or
16 category of items with reasonable particularity.

17 Responding Party further objects to the extent that this request for
18 production invades attorney-client privilege and/or violates the work product
19 doctrine by compelling Responding Party to disclose privileged
20 communications and/or litigation strategy. Responding Party will not provide
21 any such privileged information.

22 Responding Party further objects to this request on the grounds that
23 this information is equally available to the Requesting Party, and some of the
24 documents are publically available.

25 Subject to and without waiver of the foregoing objections, Responding
26 Party responds as follows:

27 Responding Party directs the Defendant to Plaintiff's previous
28

1 productions. For any responsive documents, not already produced in
2 Plaintiff's prior discovery responses, Plaintiff is producing such documents.
3 (Responsive documents are collectively attached hereto as Exhibit A).

4 Additionally, Responding Party notes that discovery is ongoing, and
5 this contention-based interrogatory is poorly defined and premature. Thus,
6 Responding Party reserves the right to amend this response at the
7 appropriate time in the future if necessary.

8
9 DATED: May 31, 2017

OTTEN LAW, PC

10
11
12 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

CORY SPENCER, DIANA MILENA

13
14
15 REED, and COASTAL PROTECTION
16 RANGERS, INC.

PROOF OF SERVICE
Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance, CA 90505.

On June 5, 2017, I served the original or a true copy of the following document(s) described as:

PLAINTIFF DIANA MILENA REED'S RESPONSE TO SECOND SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANT CHARLIE FERRARA

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

X BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **June 5, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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Exhibit X

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF
SANG LEE
COSTA MESA, CALIFORNIA
MAY 31, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979
FILE NO: AB05A10

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3 WESTERN DIVISION
 4 - - -

5 CORY SPENCER, AN INDIVIDUAL;)
 6 DIANA MILENA REED, AN)
 7 INDIVIDUAL; AND COASTAL)
 8 PROTECTION RANGERS, INC.,)
 9 A CALIFORNIA NON-PROFIT PUBLIC)
 10 BENEFIT CORPORATION,)

11 Plaintiffs,)

12 vs.)

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11 LUNADA BAY BOYS; THE INDIVIDUAL)
 12 MEMBERS OF THE LUNADA BAY BOYS,)
 13 INCLUDING BUT NOT LIMITED TO)
 14 SANG LEE, BRANT BLAKEMAN, ALAN)
 15 JOHNSTON AKA JALIAN JOHNSTON,)
 16 MICHAEL RAE PAPAYANS, ANGELO)
 17 FERRARA, FRANK FERRARA,)
 18 CHARLIE FERRARA, ET AL.,)

19 Defendants.)
 20 - - - - -)

21 Videotaped deposition of SANG LEE, taken on
 22 behalf of the Plaintiffs, at 3420 Bristol Street,
 23 Sixth Floor, Costa Mesa, California, 92626, commencing
 24 at 9:03 a.m., Wednesday, May 31, 2017, before
 25 ANGELIQUE MELODY FERRIO, CSR No. 6979.

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Barbra Westmore, Videographer

1 INDEX

2
3 WITNESS: SANG LEE4
5 EXAMINATION BY: PAGE

6 MS. POOLEY 10

7
8 EXAMINATION BY: PAGE

9 BY MS. BACON 293

10
11
12
13 EXHIBITS14
15 NUMBER DESCRIPTION PAGE16
17 221 Plaintiffs' Notice of Deposition 17
18 of Defendant Sang Lee
19 Dated May 19, 2017
20 Consisting of seven pages21
22 222 Memo From Sang Lee 88
23 To John Camplin
24 Dated 1/8/2011
25 Lee 00000001 - Lee 00000003
Consisting of three pages

| | | | |
|----|-----|-------------------------|-----|
| 1 | | EXHIBITS CONTINUED: | |
| 2 | | | |
| 3 | 223 | Memo From Sang Lee | 140 |
| 4 | | To Ringer Surfboards | |
| 5 | | Dated 1/10/2011 | |
| 6 | | Lee 00000015 | |
| 7 | | Consisting of one page | |
| 8 | | | |
| 9 | 224 | Memo From Sang Lee | 158 |
| 10 | | To Zen Del Rio | |
| 11 | | Dated 1/16/2011 | |
| 12 | | Lee 00000591 | |
| 13 | | Consisting of one page | |
| 14 | | | |
| 15 | 225 | Memo From Charlie Mowat | 166 |
| 16 | | To Sang Lee | |
| 17 | | Dated 1/16/2014 | |
| 18 | | Lee 00000595 | |
| 19 | | Consisting of one page | |
| 20 | | | |
| 21 | 226 | Memo From Charlie Mowat | 172 |
| 22 | | To Andy Patch | |
| 23 | | Dated 1/17/2014 | |
| 24 | | Lee 00000596 | |
| 25 | | Consisting of one page | |
| | | | |
| | 227 | Memo From Sang Lee | 177 |
| | | To Yoaks Wagon | |
| | | Dated 1/17/2014 | |
| | | Lee 00000014 | |
| | | Consisting of one page | |

1 COSTA MESA, CALIFORNIA, WEDNESDAY, MAY 31, 2017

2 9:03 A.M.

3 -000-

4 09:02:39

5 THE VIDEOGRAPHER: Good morning. We're on 09:02:39

6 the record. My name is Barbra Westmore, your 09:02:48

7 videographer. 09:02:51

8 And I represent Atkinson-Baker, Inc., located 09:02:51

9 in Glendale, California. The date is May 31, 2017, 09:02:55

10 and the time is 9:03 a.m. 09:02:59

11 This deposition is taking place at 09:03:02

12 3420 Bristol Street in Costa Mesa, California. The 09:03:05

13 case number is 2:16-CV-02129-SJO, in the matter 09:03:09

14 entitled Corey Spencer versus Lunada Bay Boys. 09:03:19

15 The witness is Sang Lee. And this deposition 09:03:24

16 is being taken on behalf of the Plaintiffs. Your 09:03:26

17 court reporter is Angelique Ferrio. 09:03:29

18 Would counsel please state their appearances 09:03:32

19 for the record. 09:03:34

20 MS. POOLEY: Lisa Pooley, Hansen Bridgett on 09:03:35

21 behalf of the Plaintiff. 09:03:38

22 MR. CROWLEY: Daniel Crowley of Booth, 09:03:39

23 Mitchel & Strange on behalf of Mr. Lee. 09:03:43

24 MR. WARD: Edward Ward, Junior, of Lewis, 09:03:43

25 Brisbois on behalf of Mr. Lee as well. 09:03:45

1 MS. BACON: Tiffany Bacon with Bremer, Whyte, 09:03:48
2 Brown & O'Meara on behalf of Frank Ferrara and 09:03:50
3 Charlie Ferrara. 09:03:52
4 MR. DIEFFENBACH: Richard Dieffenbach for 09:03:52
5 Mr. Brant Blakeman, the Defendant. 09:03:54
6 And I'm getting E-Mails from the woman that 09:03:55
7 just came to the door saying that several of the 09:03:58
8 other attorneys are calling in unsuccessfully and 09:04:00
9 can't hook in, Ms. Hewitt, Mr. Fields, and 09:04:03
10 Mr. Cooper. 09:04:07
11 MS. POOLEY: The phone here indicates that 09:04:14
12 the number is (949) 330-7004. 09:04:17
13 MR. DIEFFENBACH: It's 330-7004. Let me text 09:04:23
14 these people to tell them. 09:04:28
15 BY MS. POOLEY: 09:05:13
16 Q. Mr. Lee, I represent Plaintiffs Corey 09:05:13
17 Spencer, Diana Milena Reed, and the Costal Protection 09:05:17
18 Rangers, Inc., in this lawsuit that they filed 09:05:21
19 against Lunada Bay Boys and the individual members, 09:05:24
20 including you, as well as the City of Palos Verdes 09:05:27
21 Estates and Police Chief Jeff Kepley. 09:05:30
22 Are you represented today by counsel? 09:05:33
23 A. Yes. 09:05:36
24 Q. And who is representing you today? 09:05:38
25 A. Mr. Dan and Ed. 09:05:39

1 Q. Have you ever had your deposition taken 09:05:47

2 before? 09:05:50

3 A. No, Ma'am. 09:05:50

4 Q. Have you ever signed any written statements 09:05:51

5 such as a declaration or affidavit related to any 09:05:56

6 litigation? 09:06:00

7 A. What do you mean? 09:06:01

8 Q. Have you ever signed any documents under 09:06:02

9 oath? 09:06:06

10 A. No, Ma'am. 09:06:06

11 Q. And have you ever testified at a trial? 09:06:07

12 A. No. 09:06:11

13 Q. Have you ever given sworn testimony in any 09:06:12

14 case? 09:06:17

15 A. Sworn testimony? 09:06:17

16 Q. In any matter, excuse me. 09:06:18

17 A. No, Ma'am. 09:06:24

18 MS. POOLEY: Which reminds me, perhaps we

19 should swear in the witness.

20

21 SANG LEE,

22 having first been duly sworn, was

23 examined and testified as follows:

24

25

EXAMINATION

BY MS. POOLEY:

Q. Has the testimony that you've already given been truthful?

A. Yes, Ma'am.

Q. Okay. So, you've been placed under oath. And it's the same oath that you would take if you were testifying in a courtroom in front of a judge or a jury.

And it has the same force or effect -- force and effect as if you were testifying in that setting; do you understand that?

A. Yes, Ma'am.

Q. Okay. The court reporter as she explained a little bit before we got started is going to take down everything that is said. The questions that I ask, your answers, any objections that are made.

And it's important that we try to have one person talk at a time so that the record is clear.

So, I will ask that you try to wait until I finish the question before you start your answer. And I will try to wait for you to finish your answer before I ask my next question; all right?

A. Okay.

| | | |
|----|---|----------|
| 1 | Lunada Bay? | 16:32:38 |
| 2 | A. Absolutely not. | 16:32:39 |
| 3 | Q. What about preventing persons from surfing at | 16:32:40 |
| 4 | Lunada Bay? | 16:32:43 |
| 5 | A. Absolutely not. | 16:32:44 |
| 6 | Q. Have you ever had any communications with | 16:32:45 |
| 7 | Charlie Ferrara about preventing any person from | 16:32:47 |
| 8 | surfing at Lunada Bay? | 16:32:49 |
| 9 | A. Absolutely not. | 16:32:50 |
| 10 | Q. Have you ever had any communications with | 16:32:50 |
| 11 | Charlie Ferrara about preventing any persons from | 16:32:52 |
| 12 | visiting Lunada Bay? | 16:32:54 |
| 13 | A. Absolutely not. | 16:32:56 |
| 14 | Q. Have you ever witnessed Charlie Ferrara ever | 16:32:58 |
| 15 | attempt to prevent somebody from visiting Lunada Bay? | 16:33:18 |
| 16 | A. Absolutely not. | 16:33:22 |
| 17 | Q. And what about surfing at Lunada Bay? | 16:33:23 |
| 18 | A. Absolutely not. | 16:33:25 |
| 19 | Q. The same questions for Frank. | 16:33:27 |
| 20 | Have you ever witnessed Frank ever try to | 16:33:27 |
| 21 | attempt to prevent anybody from surfing at Lunada | 16:33:29 |
| 22 | Bay? | 16:33:30 |
| 23 | A. Absolutely not. | 16:33:30 |
| 24 | Q. What about visiting Lunada Bay? | 16:33:32 |
| 25 | A. Absolutely not. | 16:33:35 |

1 MS. BACON: Those are all of the questions 16:33:37
2 that I have. Thank you. 16:33:38
3 MR. CROWLEY: Anybody else in the room? 16:33:39
4 Anybody on the phone? 16:33:42
5 Going once, going twice. 16:33:46
6 MS. POOLEY: Thank you, Mr. Lee. 16:33:51
7 THE WITNESS: Thanks. 16:33:53
8 MS. POOLEY: We may see you again. 16:33:54
9 THE REPORTER: Did you want a copy of the 16:33:54
10 transcript? 16:33:54
11 MR. CROWLEY: Yes, please. 16:34:04
12 MR. DIEFFENBACH: Copy, please. 16:34:11
13 MR. HAVEN: This is Peter Haven on the phone, 16:34:12
14 I would like a copy of the transcript. 16:34:19
15 MS. BACON: Copy of the transcript. 16:34:21
16 MS. HEWITT: Copy of the transcript. 16:34:24
17 THE VIDEOGRAPHER: This concludes the 16:34:33
18 deposition of Sang Lee. The time is 4:34 p.m. and 16:34:34
19 we're off the record. 16:34:38
20 MR. DIEFFENBACH: And I'll take a rough, 16:35:30
21 please.
22 (Whereupon, the deposition
23 of Sang Lee commenced at
24 9:03 a.m. and concluded at
25 4:34 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
17
18
19

20 _____
21 SANG LEE
22
23
24
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

Sang Lee
May 31, 2017

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of SANG LEE, taken on
Wednesday, May 31, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On July 24, 2017, I served the within document(s) described as:

DECLARATION OF TIFFANY BACON IN SUPPORT OF CHARLIE FERRARA'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE PARTIAL SUMMARY JUDGMENT

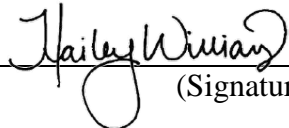
on the interested parties in this action as stated on the attached mailing list.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the _for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by 's system. A copy of the [Email receipt System] filing receipt page will be maintained with the original document(s) in our office.

Executed on July 24, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Hailey Williams
(Type or print name)


(Signature)

Cory Spencer v. Lunada Bay Boys et al.,

Case No. 2:16-cv-2129-SJO

BWB&O CLIENT: Frank and Charlie Ferrara
BWB&O FILE NO.: 1178.176

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